



भारत का राजपत्र

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सं. 46] नई दिल्ली, नवम्बर 8—नवम्बर 14, 2015, शनिवार/कार्तिक 17—कार्तिक 23, 1937

No. 46] NEW DELHI, NOVEMBER 8—NOVEMBER 14, 2015, SATURDAY/KARTIKA 17—KARTIKA 23, 1937

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं

Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

वित्त मंत्रालय
(वित्तीय सेवाएं विभाग)

नई दिल्ली, 27 अक्टूबर, 2015

का.आ.2160.—भारतीय स्टेट बैंक अधिनियम, 1955 (1955 का 23) की धारा 19 के खण्ड (ख) और धारा 20 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतदद्वारा भारतीय स्टेट बैंक के उप-प्रबंध निदेशक श्री प्रवीण कुमार गुप्ता (जन्म तिथि 13-03-1960) को श्री पी. प्रदीप कुमार (जो दिनांक 31-10-2015 को सेवानिवृत्त होंगे) के रिक्त हुए पद पर दिनांक 01-11-2015 को या उसके पश्चात उनके द्वारा पदभार ग्रहण करने की तारीख से 31-03-2020 तक, भारतीय स्टेट बैंक में प्रबंध-निदेशक नियुक्त करती है।

[फा. सं. 2/7/2013-बीओ-I]
विजय मल्होत्रा, अवर सचिव

MINISTRY OF FINANCE
(Department of Financial Services)

New Delhi, the 27th October, 2015

S.O.2160.—In exercise of the powers conferred by clause (b) of Section (19) and Sub-section (1) of Section 20 of the State Bank of India Act, 1955 (23 of 1955), the Central Government, hereby appoints Shri Parveen Kumar Gupta (DoB: 13-03-1960), Deputy Managing Director, State Bank of India as Managing Director,

State Bank of India against the vacancy of Shri P. Pradeep Kumar (who will superannuate on 31-10-2015), from the date of his taking over the charge of the post on or after 01-11-2015 and upto 31-03-2020 i.e. the date of his attaining the age of superannuation or until further orders, whichever is earlier.

[F. No. 2/7/2013-BO-I]

VIJAY MALHOTRA, Under Secy.

नई दिल्ली, 29 अक्टूबर, 2015

का.आ.2161.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार, भारतीय रिजर्व बैंक की सिफारिश पर एतदद्वारा, यह घोषणा करती है कि उक्त अधिनियम की धारा 10 की उप-धारा (1) के खण्ड (ग) के उप-खण्ड (i) के उपबंध पंजाब नैशनल बैंक पर लागू नहीं होंगे, जहां तक इसका संबंध बैंक की प्रबंध निदेशक एवं मुख्य कार्यपालक अधिकारी श्रीमती अनन्तसुब्रमणियन को पीएनबी मैटलाइफ इंडिया इंश्योरेंस कंपनी लिमिटेड के बोर्ड में निदेशक (गेर-कार्यपालक) नामित करने से है।

[फा. सं. 13/20/2015-बीओ-I]

विजय मल्होत्रा, अवर सचिव

New Delhi, the 29th October, 2015

S.O.2161.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Government of India on the recommendations of the Reserve Bank of India, hereby declare that the provisions of sub-clauses (i) of clause (c) of sub-section (1) of Section 10 of the said Act shall not apply to Punjab National Bank in so far as it relates to the nomination of Shri Usha Ananthasubramanian, Managing Director & Chief Executive Officer of the Punjab National Bank as a Director (no-executive) on the Board of PNB Metlife India Insurance Company Limited.

[F. No. 13/20/2015-BO-I]

VIJAY MALHOTRA, Under Secy.

नई दिल्ली, 30 अक्टूबर, 2015

का.आ.2162.—भारतीय रिजर्व बैंक अधिनियम, 1934 (1934 का 2) की धारा 8 की उप-धारा (1) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतदद्वारा, श्री शक्तिकांत दास, सचिव, आर्थिक कार्य विभाग, वित्त मंत्रालय को तत्काल प्रभाव से और अगले आदेशों तक, श्री अजय त्यागी के स्थान पर भारतीय रिजर्व बैंक के केन्द्रीय बोर्ड में निदेशक नामित करती है।

[फा. सं. 7/2/2012-बीओ-I]

विजय मल्होत्रा, अवर सचिव

New Delhi, the 30th October, 2015

S.O. 2162.—In exercise of the powers conferred by clause (d) of Sub-section (1) of Section 8 of the Reserve Bank of India Act, 1934, (2 of 1934), the Central Government hereby nominates Shri Shaktikanta Das, Secretary, Department of Economic Affairs, Ministry of Finance, to be a Director on the Central Board of Directors of Reserve Bank of India with immediate effect and until further orders vice Shri Ajay Tyagi.

[F. No. 7/2/2012-BO-I]

VIJAY MALHOTRA, Under Secy.

नई दिल्ली, 2 नवम्बर, 2015

का.आ.2163.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खंड 3 के उपखंड (1) और खण्ड 6 और खण्ड 8 के उप-खंड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा (3) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, एतदद्वारा, देना बैंक के कार्यपालक निदेशक श्री रवि कृष्ण टक्कर (जन्म तिथि 15-01-1959) को उनके पदभार ग्रहण करने की तारीख से तीन वर्ष की अवधि के लिए अथवा उनकी अधिवर्षिता की तारीख तक अथवा अगले आदेशों तक, जो भी पहले हो, 75,500-80,000 रुपए के वेतनमान में यूको बैंक के प्रबंध निदेशक एवं मुख्य कार्यपालक अधिकारी के पद पर नियुक्त करती है।

[फा. सं. 4/6/2015-बीओ-I]

विजय मल्होत्रा, अवर सचिव

New Delhi, the 2nd November, 2015

S.O.2163 .—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 9 of The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980 read with sub clause (1) of clause 3, clause 6 and sub clause (1) of clause 8 of The Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, after consultation with the Reserve Bank of India hereby appoints Shri Ravi Krishan Takkar (DoB: 15-01-1959), ED Dena Bank as MD & CEO, UCO Bank in the scale of pay of Rs. 75,500-80,000/- for a period of three years from the date of his taking over the charge of the post or till the date of his superannuation or until further orders, whichever is earliest.

[F. No. 4/6/2015-BO-I]

VIJAY MALHOTRA, Under Secy.

नई दिल्ली, 2 नवम्बर, 2015

का.आ.2164.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खंड 3 के उपखंड (1) और खण्ड 6 और खण्ड 8 के उप-खंड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा (3) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, एतदद्वारा, यूको बैंक के कार्यपालक निदेशक श्री जय कुमार गर्ग (जन्म तिथि 10-01-1960) को 01-02-2016 को या उसके पश्चात् पदभार ग्रहण करने की तारीख से तीन वर्ष की अवधि के लिए अथवा उनकी अधिवर्षिता की तारीख तक अथवा अगले आदेशों तक, जो भी पहले हो, 75,500-80,000 रुपए के वेतनमान में कार्यपालक निदेशक एवं मुख्य कार्यपालक अधिकारी के पद पर नियुक्त करती है।

[फा. सं. 4/6/2015-बीओ-I]

विजय मल्होत्रा, अवर सचिव

New Delhi, the 2nd November, 2015

S.O.2164.—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 9 of The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980 read with sub-clause (1) of clause 3, clause 6 and sub clause (1) of clause 8 of The Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri Jai Kumar Garg (DoB: 10-01-1960), ED, UCO Bank as MD & CEO, Corporation Bank in the scale of pay of Rs. 75,500-80,000 for a period of three years from the date of taking over the charge of the post on or after 01-02-2016 or till the date of his superannuation or until further orders, whichever is earliest.

[F. No. 4/6/2015-BO-I]

VIJAY MALHOTRA, Under Secy.

नई दिल्ली, 2 नवम्बर, 2015

का.आ.2165.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खंड 3 के उपखंड (1) और

खण्ड 6 और खण्ड 8 के उप-खंड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा (3) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, एतदद्वारा, इंडियन बैंक के कार्यपालक निदेशक श्री महेश कुमार जैन (जन्म तिथि 05-05-1961) को उनके पदभार ग्रहण करने की तारीख से तीन वर्ष की अवधि के लिए अथवा उनकी अधिवर्षिता की तारीख तक अथवा अगले आदेशों तक, जो भी पहले हो, 75,500-80,000 रुपए के वेतनमान में इंडियन बैंक के प्रबंध-निदेशक एवं मुख्य कार्यपालक अधिकारी के पद पर नियुक्त करती है।

[फा. सं. 4/6/2015—बीओ—I]

विजय मल्होत्रा, अवर सचिव

New Delhi, the 2nd November, 2015

S.O.2165.—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 9 of The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980 read with sub-clause (1) of clause 3, clause 6 and sub-clause (1) of clause 8 of The Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri Mahesh Kumar Jain (DoB: 05-05-1961), ED Indian Bank as MD & CEO, Indian Bank in the scale of pay of Rs. 75,500-80,000 for a period of three years from the date of taking over the charge of the post or till the date of his superannuation until further orders, whichever is earliest.

[F. No. 4/6/2015-BO-I]

VIJAY MALHOTRA, Under Secy.

नई दिल्ली, 2 नवम्बर, 2015

का.आ.2166.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रक्रीय उपबंध) स्कीम, 1970/1980 के खंड 3 के उपखंड (1) और खण्ड 6 और खण्ड 8 के उप-खंड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा (3) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, एतदद्वारा, ओरियांटल बैंक ऑफ कार्मस के कार्यपालक निदेशक श्री सुरेश एन. पटेल (जन्म तिथि 25-12-1957) को उनके पदभार ग्रहण करने की तारीख से 31-12-2017 तक अर्थात् उनकी अधिवर्षिता की तारीख तक अथवा अगले आदेशों तक, जो भी पहले हो, 75,500-78,000 रुपए के वेतनमान में आन्धा बैंक के प्रबंध-निदेशक एवं मुख्य कार्यपालक अधिकारी के पद पर नियुक्त करती है।

[फा. सं. 4/6/2015—बीओ—I]

विजय मल्होत्रा, अवर सचिव

New Delhi, the 2nd November, 2015

S.O.2166.—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 9 of The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980 read with sub-clause (1) of clause 3, clause 6 and sub-clause (1) of clause 8 of The Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri Suresh N. Patel (DoB: 25-12-1957), ED Oriental Bank of Commerce as MD & CEO, Andhra Bank in the scale of pay of Rs. 75,500-80,000 from the date of his taking over the charge of the post or till the date of superannuation i.e. on 31-12-2017 or until further orders, whichever is earlier.

[F. No. 4/6/2015-BO-I]

VIJAY MALHOTRA, Under Secy.

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

(भारतीय मानक व्यूरो)

नई दिल्ली, 2 नवम्बर, 2015

का.आ.2167.—भारतीय मानक व्यूरो (प्रमाणन) विनियम 1988 के विनियम 4 के उपनियम (5) के अनुसरण में भारतीय मानक व्यूरो एतदद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :—

अनुसूची

क्र. सं.	लाइसेंस सं	स्वीकृत करने की तिथि वर्ष/माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्ष	भा. मा. सं. (भाग/अनुभाग) : वर्ष
1	2	3	4	5	6
1.	6500009105	20151013	मैसर्स जवेरी ब्रावर्स ज्वेलर्स 38/39, बिग बेल कॉम्प्लेक्स 106, डी. बी. रोड, आर. एस. पुरम, कोयम्बत्तूर – 641 002	चाँदी एवं चॉदी मिश्रधातुएं, आभूषण/ शिल्पकारी – शुद्धता एवं मुहरांकन	IS 2112 : 2003

1	2	3	4	5	6
2.	6500009206	20151016	मैसर्स मलबार गोल्ड प्रायवेट लिमिटेड दरवाजा सं 28, टी. सं. 771, डॉ राजेन्द्रा प्रसाद रोड, साऊथ इंडियन बैंक के पास, गाँधीपुरम, कोयम्बत्तूर – 641 012	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/ शिल्पकारी – शुद्धता एवं मुहरांकन	IS 1417 : 1999
3.	6500009307	20151028	मैसर्स अम्मा इंजीनियरिंग सं 6, दूसरा सड़क, एम. के. पालयम पश्चिम, उप्पिलीपालयम, कोयम्बत्तूर – 641 015	निम्जनीय पम्पसेट	IS 8034 : 2002
4.	6500009509	20151029	मैसर्स धनश्री ए एस एम तंगामालिगौ 239, धनश्री एवन्यू कामराजर सालै, बरगूर रोड, अन्तियूर, भवानी – 638 501	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/ शिल्पकारी – शुद्धता एवं मुहरांकन	IS 1417 : 1999
5.	6500009610	20151029	मैसर्स के ओ बी मेडिकल टेक्नोलॉजी प्रायवेट लिमिटेड एस एफ 29 & 30, पेरुमपली, सेमिपालयम गाँव, के एन पुरम पोर्ट त्रिची रोड, पल्लडम – 641 662	इलास्टिक बैन्डेज	IS 16111 : 2013
6.	6500009408	20151029	मैसर्स ए एस एम ज्वेलरी 21, राजा स्ट्रीट, अन्तियूर, भवानी–638 501	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/ शिल्पकारी – शुद्धता एवं मुहरांकन	IS 1417 : 1999
7.	6500009711	20151030	मैसर्स चक्करी इंडस्ट्री 208/1, इलन्नो नगर, सीरकाटीअम्मन कोविल के सामने, आवारमपालयम, कोयम्बत्तूर–641 006	गहरे कुओं के लिए निम्जनीय पम्पसेट	IS 14220 : 1994

[सं. सी एम डी/13:11]
एम. सदाशिवम, वैज्ञानिक 'एफ' एवं प्रमुख

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

(BUREAU OF INDIAN STANDARDS)

New Delhi, the 2nd November, 2015

S.O. 2167.—In pursuance of sub-regulation (5) of the regulation 4 of the Bureau of Indian Standards (Certification) Regulation 1988, of the Bureau of Indian Standards, hereby notifies the grant of licence particulars of which are given in the following schedule:

SCHEDULE

Sl. No.	Licence No.	Grant Date	Name and Address (Factory) of the Party	Title of the Standard	IS No. Part/ Sec. Year
1	2	3	4	5	6
1.	6500009105	20151013	M/s. Zaveri Bros Jewellers 38/39,Big Bell Complex, 106 D.B.Road,R.S.Puram, Coimbatore – 641 002	Silver and Silver Alloys, Jewellery/ Artefacts - Fineness and Marking	IS 2112 : 2003

1	2	3	4	5	6
2.	6500009206	20151016	M/s. Malabar Gold Pvt. Ltd. Door No. 28, T.No. 771, Dr. Rajendra Prasad Road, Near South Indian Bank, Gandhipuram, Coimbatore – 641 012	Gold and Gold Alloys, Jewellery/ Artefacts - Fineness and Marking	IS 1417 : 1999
3.	6500009307	20151028	M/s. Amma Engineering No.6, 2nd Street, M. K. Palayam West, Uppilipalyam, Coimbatore – 641 015	Submersible Pumpsets	IS 8034 : 2002
4.	6500009509	20151029	M/s. Dhansri ASM Thangamaligai 239, Dhansri Avenue, Kamarajar Salai, Bargur Road, Anthiyur, Bhavani – 638 501	Gold and Gold Alloys, Jewellery/ Artefacts - Fineness and Marking	IS 1417 : 1999
5.	6500009610	20151029	M/s. KOB Medical Textiles Pvt. Ltd. SF-29 & 30, Perumpali, Semmipalayam Village, K. N. Puram Post, Trichy Road, Palladam—641662	Elastic Bandage	IS 16111 : 2013
6.	6500009408	20151029	M/s. Sri ASM Jewellery 21, Raja Street, Anthiyur, Bhavani-638501	Gold and Gold Alloys, Jewellery/Artefacts - Fineness and Marking	IS 1417 : 1999
7.	6500009711	20151030	M/s. Chakkra Industry. 208/1, Elango Nagar, Opp. Seerkaliamman Kovil, Avarampalayam, Coimbatore – 641 006	Openwell Submersible Pumpsets	IS 14220 : 1994

[No. CMD/13: 11]

M. SADASIVAM, Scientist 'F' & Head

नई दिल्ली, 2 नवम्बर, 2015

का.आ.2168.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के विनियमन 5 के उपविनियमन (6) के अनुसरण में भारतीय मानक ब्यूरो एतदद्वारा अधिसूचित करता है कि निम्न विवरण वाले लाइसेंसों को उनके आगे दर्शाई गई तारीख से रद्द/स्थगित कर दिया गया है :—

क्र. सं.	लाइसेंस सं सी एम/ एल-	लाइसेंसधारी का नाम व पता	स्थगित किए गए रद्द किए गए लाइसेंस के अंतर्गत वस्तु/प्रक्रम सम्बद्ध भारतीय मानक का शीर्षक	रद्द होने की तिथि
अक्टूबर 2015 – शून्य				

[सं. सी एम डी/13:13]

एम. सदाशिवम, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 2nd November, 2015

S.O.2168.—In pursuance of sub-regulation (6) of the regulation 5 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies that the licence particulars of which are given below have been cancelled/ suspended with effect from the date indicated against each:

SCHEDULE

Sl. No.	Licence No. CM/L-	Name & Address of the Licensee	Article/ Process with relevant Indian Standard covered by the licence cancelled/ suspension	Date of Cancellation
OCTOBER 2015 - NIL				

[No. CMD/13: 13]

M. SADASIVAM, Scientist 'F' & Head

परमाणु ऊर्जा विभाग

(सामान्य सेवा संगठन)

तमिलनाडु, 14 अक्टूबर, 2015

का.आ.2169.—केन्द्रीय सरकार, दिनांक 23-02-2015 के पूर्व अधिसूचना संख्या GSO/17(27)/2014-R/21/724 का अधिक्रमण करते हुए और लोक परिसर (अप्राधिकृत अधिभोगी के निष्कासन) अधिनियम, 1971 (1971 का 40वां) के धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्वारा नीचे सारणी के कॉलम (1) में दर्शाए अधिकारी को, सरकार के राजपत्रित अधिकारी होने के नाते, उक्त अधिनियम के उद्देश्यों के लिए संपदा अधिकारी के रूप में नियुक्त करती है, जो प्रदत्त शक्तियों का प्रयोग करेंगे और उक्त अधिनियम के द्वारा अथवा अंतर्गत संपदा अधिकारी पर अधिरोपित कर्तव्यों का, उक्त सारणी के कॉलम (2) में विनिर्दिष्ट लोक परिसरों हेतु उनके क्षेत्राधिकार के स्थानीय सीमाओं के भीतर, निष्पादन करेंगे ।

सारणी

कॉलम (1) अधिकारी का पदनाम	कॉलम (2) लोक परिसरों की श्रेणियाँ और क्षेत्राधिकार की स्थानीय सीमाएं
श्री टी. एस. बालासुब्रमणियन, प्रशासनिक अधिकारी—III, सामान्य सेवा संगठन, परमाणु ऊर्जा विभाग, कल्पाकम-603102, कांचीपुरम जिला, तमिलनाडु	भारत सरकार, परमाणु ऊर्जा विभाग का अथवा उसके नियंत्रणाधीन कल्पाकम एवं अणपुरम परिसर, तिरुक्कालुकुन्ड्रम तालुक, कांचीपुरम जिला, तमिलनाडु

[संदर्भ सासेसं/17(27)/2015-आर/3142]

पी. टी. मोहन, प्रशासनिक अधिकारी—III

DEPARTMENT OF ATOMIC ENERGY

(General Services Organisation)

Tamil Nadu, the 14th October, 2015

S.O.2169.—In supersession of earlier Notification No. GSO/17(27)/2014-R/21/724 dated 23-02-2015 and in exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act 1971 (40 of 1971) the Central Government hereby appoints the Officer mentioned in column (1) of the Table below, being a Gazetted Officer of the Government, to be Estate Officer for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed on Estate Officer by or under the said Act, within the local limits of his jurisdiction in respect of the public premises specified in column (2) of the said Table;

TABLE

Column (1) Designation of the Officer	Column (2) Categories of Public Premises & <u>local limits of jurisdiction</u>
Shri. T.S. Balasubramanian Administrative Officer-III General Services Organisation Department of Atomic Energy Kalpakkam - 603 102 Kancheepuram District Tamil Nadu	Premises in Kalpakkam and Anupuram, Thirukkalukundram taluk, Kancheepuram District, Tamil Nadu Belong to or under the control of Department of Atomic Energy, Government of India.

[Ref. GSO/17(27)/2015-R/3142]

P.T. MOHAN, Administrative Officer-III

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 6 नवम्बर, 2015

का.आ.2170.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार जल एवं विद्युत परामर्शी सेवा (इंडिया) लिमिटेड, नई दिल्ली के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय। दिल्ली के पंचाट (संदर्भ सं. 64/2012) को प्रकाशित करती है जो केन्द्रीय सरकार को 06/11/2015 को प्राप्त हुआ था।

[सं. एल.-42012/125/2011-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 6th November, 2015

S.O.2170 — in pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D No.64/2012) of the Central Government Industrial Tribunal-Cum-Labour Court, No.1, Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Water & Power Consultancy Service (India) Ltd., New Delhi and their workman, which was received by the Central Government on 06/11/2015.

[No.L-42012/125/2011-IR(DU)]

P.K.VENUGOPAL, Desk Officer

ANNEXURE

**IN THE COURT OF SHRI AVTAR CHAND
DOGRA, PRESIDING OFFICER, CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT NO.1, DELHI**

ID No.64/2012

Shri Pyare Lal,
S/o late Shri Shishram,
R/o 30/45, Trilokpuri Extension,
Delhi

...Workman

Versus

The General Manager,
Water & Power Consultancy Service (India) Ltd.,
(Wapcos Limited), 5th Floor, Kailash Building,
26, Kasturba Gandhi Marg,
New Delhi – 110 001

...Management

AWARD

Brief facts giving rise to the present reference are that the claimant Shri Pyare Lal was working with the management since 28.04.1978 as safaiwala/ messenger and was drawing a salary of Rs.8867.00 per month. As per averments contained in the statement of claim, he was performing his duties without any complaint from the management and he was never issued any memorandum or charge sheet during his entire career.

2.On 28.03.2003, management all of a sudden, issued a false and concocted charge sheet and claimant filed reply to the said charge sheet on 02.04.2003. He never accepted the charges leveled against him. Resultantly, Enquiry Officer was appointed to enquire into the allegations contained in the charge sheet. Claimant is an illiterate person. He was neither apprised of the procedure nor the nature of charges leveled against him. Entire enquiry was sham and bogus and the Enquiry Officer acted as a puppet of the management. Proceedings were never recorded fairly. The Enquiry Officer, Shri S. Vijay Rao, submitted his report holding that two charges have been proved and one charge was found to be partly proved against the claimant. He further alleged that he never misbehaved with any person.

3.There was also another employee, Shri Harinder Singh was also charge sheeted on 28.03.2003 on the same charges and he was dismissed on 29/31.03.2004, alongwith the claimant. Shri Harinder Singh was later on reinstated by the management on 24.07.2006 with effect from 01.04.2004. Charges leveled against Shri Harinder Singh were more severe than the charges leveled against the claimant. Thereafter, the claimant filed a case before the Conciliation Officer. Management appeared before the Conciliation Officer. However, no settlement could be arrived at. Resultantly, reference was made by the Union Government to this Tribunal vide letter No.L-

42012/125/2011-IR(DU) dated 23.02.2012 and the same is as under:

“Whether the action of the management of Water and Power Consultancy Service (India) Ltd., New Delhi in terminating the services of the workman, Shri Pyare Lal, is legal and just? What relief the workman is entitled to?”

4.Reply to the claim statement was filed by the management wherein a stand was taken that the claimant frequently remained unauthorisedly absent and he was found to be in a drunken condition in the premises of the office. He also misbehaved with the Security Guard on 29.11.2002 and a memo was issued to the claimant, resulting into institution of the enquiry. The claimant was informed vide memorandum dated 28.03.2003 to file reply/defence within 10 days. The claimant, in his statement, acceded to the charges, except the charge of being drunk in the office premises. Ultimately, out of the three charges, two charges were held to be proved entirely against the workman. Third charge was held to be partly proved against the claimant. Consequently, the claimant was dismissed from service vide order dated 29/31.03.2004 by the Disciplinary Authority. Management has denied the other allegations contained in the statement of claim.

5.Against this factual background, my learned predecessor framed the following issues:

- (i) Whether the enquiry conducted by the management was fair and proper?
- (ii) Whether the punishment of dismissal awarded to the claimant commensurate to his misconduct?
- (iii) As in terms of reference

6.Issue no.(i) was treated as preliminary issue and the parties were asked to adduce evidence on the above issue.

7.Management, in support of its case, examined Shri W.A. Siddique, Vigilance Officer as MW1, whose affidavit is Ex.MW1/A and he has tendered in evidence documents Ex.MW1/1 to Ex.MW1/6. This witness has clarified that he was not associated with the enquiry in any manner. Witness was also given opportunity by this Tribunal to trace the record mentioned in the affidavit.

8.The claimant examined himself as WW1 and tendered in evidence his affidavit, Ex.WW1/A. He has denied the material averments in respect of the allegations contained in the charge sheet and tried to support the case as put forth in the statement of claim.

9.I have heard Shri Devender Sharma, A/R for the claimant and Shri Jitender Yadav, A/R for the management.

10.It was urged on behalf of the management that since the claimant has admitted Charge No.1 and 2 before the Enquiry Officer, as such it does not lie in the mouth of the claimant to urge that he was not given a fair opportunity to rebut the charges. Admission/confession of guilt is substantive proof of the allegations contained

in the charge sheet; as such, no further evidence was required to be led by the management to prove the charges. Punishment imposed upon the claimant was held to be proper keeping in view the gravity of the allegations.

11. Per contra, Shri Devender Sharma, authorized representative appearing on behalf of the claimant refuted the submissions made on behalf of the management and strongly urged that there is no evidence on record to prove that any opportunity was given to the workman to cross examine the witness examined by eh management. There is also nothing on record to show that the claimant has admitted/confessed the first two charges contained in the charge sheet. The learned counsel proceeded to argue that the report of the Enquiry Officer is in violation of the principles of natural justice and the Enquiry Officer has acted as a puppet of the management so as to dismiss the claimant.

12. After hearing the learned counsels of the parties and careful appraisal of the record, I am of the considered view that the enquiry conducted in the present case is not at all fair and the same is in violation of principles of natural justice. It is clear from perusal of the memo of charge sheet dated 28.03.2003, Ex.MW1/1, claimant herein was asked to submit reply within 10 days in respect of allegations contained in the charge sheet. There is an office order Ex.MW1/2 dated 29.03.2004 which clearly shows hat the Disciplinary Authority imposed major penalty under Rule 11 of the Civil Services (Classification, Control and Appeal), Rule 1965 whereby the claimant herein was removed from service with immediate effect. Extract of the above order is as under:

“Whereas disciplinary proceedings as per major penalty proceedings was initiated against Shri Pyare Lal, Safaiwala by issuing charge sheet vide Memorandum No.WAP/GM/(P&A)/13/3/Coord dated 28.03.2003 for misconduct found on his part.

Whereas an inquiry against the said Shri Pyare Lal, Safaiwala under Rule 14 of the Civil Services (Classification, Control and Appeal, Rule 1965) as made applicable to employees of the WAPCOS was held against him.

Whereas Shri Pyare Lal submitted his written statement of confession accepted the charges leveled against him for gross misconduct in as much as he remained on frequent leave thus lack of devotion to duties and misbehaved with the Security Staff, Headquarters Office, Kailash Building.

Whereas Disciplinary Authority (Chairman & Managing Director) on consideration of the entire case, including charge sheet, inquiry report, Confession statement and relevant records of the disciplinary proceedings has concluded that the Charges of Gross Misconduct inasmuch as he remained on frequent leave thus lacking in devotion to duties and misbehaved with the

Security Staff at Headquarters office, Kailash Building have been proved against the said Shri Pyare Lal, Safaiwala.

Now, therefore, Disciplinary Authority (Chairman & Managing Director) hereby imposes the major penalty No.(viii) under Rule 11 of the Classification, Control and Appeal Rules, 1965, i.e. removal from services with immediate effect on Shri Pyare Lal, Safaiwala for his aforesaid misconduct. Accordingly, he is removed from services with immediate effect and his name is struck off the rolls of the Company.”

13. It is clear from perusal of the above that order of removal was passed in view of the written statement of confession made by the claimant herein. However, there is no such document or statement on record to show that on which date the claimant herein has confessed or admitted his guilt in respect of the first two charges. Though the Enquiry Officer in his report dated 23.05.2004 has referred to the confession made by the claimant herein, but as discussed above, confessional statement has not at all been recorded by the Enquiry Officer so as to show that the workman has confessed his guilt or accepted the charges leveled against him. Production of confession statement and proof of the same was essential so as to appreciate the contention of the management that the workman has confessed his guilt. Further, law requires that confession statement is to be shown to be made by the workman voluntarily and without any duress or pressure etc. Since the confessional statement so made by the claimant has not been produced or proved in accordance with law, as such, it has dealt a crippling blow to the enquiry conducted by the Enquiry Officer, Shri Vijay Rao. There is nothing on record to show that any opportunity was given to the workman to cross examine the witness/es examined by the management in support of the charges. Consequently, it is held that the enquiry report dated 23.05.2004 Ex.MW1/6 has been vitiated, being in violation of principles of natural justice and having been conducted in an unfair manner. Issue No.1 is answered accordingly.

14. Management was afforded an opportunity to adduce evidence on merits as the domestic enquiry was found to be in violation of principles of natural justice etc. Since none appeared on behalf of the management nor did the management take the plea in their pleadings to adduce evidence on merits, in case enquiry is ultimately decided against the management, as such, evidence of the management was closed. Since in the case in hand, no evidence has been adduced by the management after findings have been given by the Tribunal on preliminary issue that the domestic enquiry conducted by the Enquiry Officer is not fair or bad in law, in such a situation, this Tribunal is left with no choice except to set aside the order of ‘Removal from services with immediate effect’ dated 29/31.03.2004(Ex.MW1/2). Resultantly, charges contained in the charge sheet Ex.MW1/1 are held to be not proved against the workman herein. As such, order of ‘Removal from service with immediate effect’ passed by the competent authority is, hereby, set aside.

11. As a corollary to the above, it is held that the workman herein is also entitled for reinstatement with immediate effect and payment of salary as well as all consequential benefits to which he is/was otherwise entitled had he been in service. An award is accordingly passed. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

A. C. DOGRA, Presiding Officer

Dated : October 30, 2015

नई दिल्ली, 6 नवम्बर, 2015

का.आ.2171.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार आयुक्त, दिल्ली नगर निगम के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-1, दिल्ली के पंचाट (संदर्भ सं. 35/2013) को प्रकाशित करती है जो केन्द्रीय सरकार को 06.11.2015 को प्राप्त हुआ था।

[सं. एल-42011/56/2011-आईआर(डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 6th November, 2015

S.O.2171.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D No.35/2013) of the Central Government Industrial Tribunal-Cum-Labour Court, No.1, Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Commissioner, Municipal Corporation of Delhi and their workmen, which was received by the Central Government on 06/11/2015.

[No. L-42011/56/2011-IR(DU)]

P.K. VENUGOPAL, Desk Officer

ANNEXURE

IN THE COURT OF SHRI AVTAR CHAND DOGRA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT NO.1, DELHI

ID No.35/2013

The General Secretary,
Municipal Employees Union,
Aggarwal Bhawan, G.T. Road,
Tis Hazari,
Delhi – 110 054

...Workman

Versus

The Commissioner,
Municipal Corporation of Delhi,
Town Hall, Chandni Chowk,
Delhi 110006

...Management

AWARD

1. Shri Naresh Kumar, was working as Survey Khalasi in Town Planning Department with Municipal Corporation of Delhi with effect from 10.03.1990 as a daily rated/casual/muster roll worker. His services were terminated on 13.08.1983 without any rhyme or reason. An industrial dispute was raised before Shri R.K. Tiwari, Presiding Officer, Industrial Tribunal No.III, who vide award dated 06.02.1999 held the action of the management to be illegal and directed the management to reinstate him in service with all consequential benefits with 50% back wages. Management challenged the award before the Hon'ble High Court of Delhi bearing CWP No.1015/2000 and the Hon'ble High Court stayed operation of the above award. During pendency of dispute, Shri Naresh Kumar breathed his last on 30.07.1995.

2. Shri Naresh Kumar was survived by his widow, Ms. Shashi and two sons, Shri Harsh and Shri Chetan. Ms. Shashi, widow of the deceased presented an application for appointment on compassionate grounds, but the management did not pass any speaking order in this regard, which is totally bad and malafide as family of the deceased was totally dependent on the deceased for their livelihood. Smt. Shashi is eligible for appointment on compassionate grounds on any suitable Class IV post as she fulfils all requirements for the said post, in accordance with the conditions laid down under the scheme. In similar circumstances, the dependents of other deceased employees have been given employment on compassionate grounds. The union raised a dispute before the Conciliation Officer. Since the Corporation contested the claim, conciliation proceedings ended into a failure, hence, the appropriate Government referred the dispute to this Tribunal for adjudication, vide order No.L-42011/56/2011-IR(DU) New Delhi dated 18.02.2013, with following terms:

“Whether action of the management of Municipal Corporation of Delhi in denial of appointment on compassionate grounds to Smt. Shashi, W/o late Shri Naresh Kumar, Ex-employee of MCD is justified or not? If not, what relief will be given to Smt. Shashi, W/o late Shri Naresh Kumar and from which date?”

3. After consideration of statement of claim of the workman, matter was listed for filing written statement on behalf of the management, who filed written statement, taking preliminary objections inter alia, non-espousal, delay/laches, non-service of demand notice etc. and that it has been referred by the Central Government without application of mind. It is also averred that the Hon'ble Supreme Court of India has already held that the cases of employment on compassionate grounds cannot be entertained by Industrial Tribunals as the applicants are not covered under the definition of 'workman' as given under Section 2(s) of the Act. Scheme for compassionate appointment has been devised by Department of Personnel and Training vide OM No.14014/6/94-Estt(D) dated 09.10.1998 for Government servant appointed on regular basis. Shri Naresh Kumar was a daily wager khalasi, hence does not fall within the category of Government servant. Further, more than

eight years have elapsed since the death of Shri Naresh Kumar and the family has survived all these eight years on its own. Had they been living in destitute, they would have approached the court much earlier.

4. It transpires from the records that on the basis of pleadings of the parties, no issue, other than those referred by the appropriate Government for adjudication, was framed by this Tribunal.

5. Claimant, in support of her claim, examined herself as WW1 and Shri Surender Bhardwaj as WW2. Thereafter, matter was listed for evidence of the management.

6. In the meanwhile, the claimant desired to withdraw the present petition as an industrial dispute regarding regularization of the concerned workman (claimant's husband) was pending before the Conciliation Officer. Since the claimant did not want to pursue the petition before this Tribunal, as such statement of the claimant regarding withdrawal of the case was separately taken.

7. In view of the averments made by the claimant, Ms. Shashi, she is permitted to withdraw the present petition, with liberty to file a fresh case at a later stage. Hence, an award is accordingly passed. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

A.C. DOGRA, Presiding Officer

Dated : October 30, 2015

नई दिल्ली, 12 नवम्बर, 2015

का.आ.2172—ओद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार दिल्ली, नगर निगम, 16 राजपुरा, दिल्ली के प्रबंधतत्र के संबद्ध नियोजकों और उनके कर्मकार के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण एवं श्रम न्यायालय, 2, दिल्ली के पंचाट (संदर्भ सं. 58/2014) को प्रकाशित करती है जो केन्द्रीय सरकार को 06.11.2015 को प्राप्त हुआ था।

[सं. एल—42011/52/2014—आईआर(डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 12th November, 2015

S.O.2172.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D No.58/2014) of the Central Government Industrial Tribunal-Cum-Labour Court, No.II, Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Municipal Corporation of Delhi, 16, Rajpura Road, Delhi and their workmen, which was received by the Central Government on 06/11/2015.

[No.L-42011/52/2014-IR(DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT – II, DELHI

Present:- SHRI HARBANSH KUMAR SAXENA

ID.No. 58/2014

The General Secretary,

Jagriti Labour Union (Regd.),

Branch Officer X – 1 A, Civil Side,

New Tis Hazari Court,

Delhi.Workman

Versus

The Dy. Commissioner,

MCD,

16, Rajpura Road,

Delhi. Management

Ex- Parte AWARD

The Central Government in the Ministry of Labour vide notification No. L-42011/52/2014 IR (DU) dated 25.07.2014 referred the following Industrial Dispute to this Tribunal for adjudication:-

“Whether non regulation of service of Sh. Rajbir Singh S/o Sh. Kunwar Sen & other in Municipal Corporation of Delhi is just, fair and legal? If not, what relief the workman concerned are entitled to?”

On 06.08.2014 reference was received in this Tribunal. Which was register as I.D No. 58/2014 and claimant union was called upon to file claim statement with in fifteen days from date of service of notice. Which was required to be accompanied with relevant documents and list of witnesses.

After service of notice claim statement has been filed on behalf of workmen Sh. Rajbeer Singh, Sh. Shankar, Sh. Mukesh S/o Sh. Ramesh Chand, Sh. Sunil, Sh. Krishan Kumar, Sh. Pramod Kumar, Sh. Balram, Sh. Mukesh S/o Sh. Dharampal and Sh. Vijay Kr.

On the basis of contents of claim statement they prayed for relief of awarding of status of permanent employees of management with direction to implement the order passed by this Tribunal in this respect.

In respect of service on management. Management has not filed its written statement.

Perusal of schedule of reference order dated 25.07.2014 makes it crystal clear that Ministry of Labour directed to this Tribunal to adjudicate following question of determination:-

“Whether non regulation of service of Sh. Rajbir Singh S/o Sh. Kunwar Sen & other in Municipal Corporation of Delhi is just, fair and legal? If not, what relief the workman concerned are entitled to?”

Workmen in support of their case filed affidavit of Sh. Rajbeer Singh, Sh. Pramod Kumar, Sh. Anokha Lal, Sh.

Sunil , Sh. Mukesh Kumar, S/o Sh. Ramesh Chand, Sh. Mukesh S/o Sh. Dharampal, Sh. Balram, Sh. Sankar, Sh. Vijay alongwith Photostat copies of certain documents and they tendered their affidavit alongwith Photostat copies of annexed documents on which they placed reliance. As case proceeded ex-parte against management. None came on behalf of management to cross-examine them.

Workmen filed detailed written arguments in their favour. Through which they claim for relief as claimed by them in their claim statement.

In the light of contentions mentioned in written arguments of workman I perused the pleadings and evidence of workmen on record.

My issue wise question of determination finding is as follows:-

Finding on question of determination / issue no. 1.

Which is as follows:-“ Whether non regulation of service of Sh. Rajbir Singh S/o Sh. Kunwar Sen & other in Municipal Corporation of Delhi is just, fair and legal?”.

Burden to prove issue no.1/ question of determination no. 1 lies on management but in the instant case management has not filed written statement. So, its right of filing of written statement has been closed by this Tribunal on 4.2.2015 and case proceeded ex-parte against management. In want of evidence of management and reliable and credible evidence of workmen this Tribunal has no option except to decide question of determination/ issue No. 1 in favour of workman and against management. Which is accordingly decided and claim statement is liable to be allowed. Which accordingly allowed but nature of relief shall be discussed in issue No. 2.

Finding on question of determination/issue No. 2 :

Issue no. 2 is as follows:-

“If not, what relief the workman concerned are entitled to?”

Burden to prove this lies on workmen. Through, their reliable and credible evidence workmen have proved that they were entitled to permanent but instead of making them permanent management illegally terminated their services on 26.11.2011. On this ground they claim relief for setting aside their illegal termination and their reinstatement with back wages etc. but as per settled law of Hon'ble Supreme Court even in case of illegal termination of workmen they cannot be re-instated alongwith back wages etc. They are entitled only for compensation only.

In the light of contentions and counter contentions I perused the settled law of Hon'ble Supreme court on the point of reinstatement and grant of back wages. Which shows that reinstatement is not a necessary consequence wherever termination is held illegal. Depending upon the facts of each case a suitable compensation can be awarded. In Assistant Engineer, Rajasthan Dev.

Corporation and Anr Vs. Gitam Singh, (2013)II LLJ 141 Hon'ble Supreme Court has held that reinstatement of workman with continuity of service and 25% back wages was not proper in the facts and circumstances of the case and the compensation of Rs.50,000/- (Rs. Fifty Thousand Only) shall meet the ends of justice. In Jagbir Singh Vs. Haryana State Agriculture Marketing Board & Anr AIR 2009 Supreme Court 3004, Hon'ble Supreme Court held thus “the award of reinstatement with full back wages in a case where the workman has completed 240 days of work in a year preceding the date of termination particularly, daily wagers has not been found to be proper by this Court and instead compensation has been awarded.” In catena of Judgments, Hon'ble Supreme Court has taken a view that reinstatement is not automatic, merely because the termination is illegal or in contravention of S-25-F of the Industrial Dispute Act. In Talwara Co-operative credit and service society Limited Vs. Sushil Kumar (2008) 9 SCC 486, Hon'ble Supreme Court held thus, “ grant of relief of reinstatement, it is trite, is not automatic. Grant of back wages is also not automatic.”

Thus reference is liable to be decided in favour workman and management and claim statement is liable to be allowed with direction to management to pay compensation to workman. Which is accordingly decided.

So, in the instant case relief of compensation of Rs. 50,000/- (Rs. Fifty thousand only) is awarded to each workman for their illegal termination dated 26.11.2011. Management is directed to pay aforesaid compensation to workman after period of limitation of available remedy against award.

Ex-parte Award is accordingly passed.

Dated:-5.10.2015

HARBANSH KUMAR SAXENA, Presiding Officer

नई दिल्ली, 12 नवम्बर, 2015

का.आ.2173.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार व्योम टेलीकॉम इंफ्रा प्राइवेट सीमित के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, कोलकाता के पंचाट (संदर्भ सं. 23 / 2015) को प्रकाशित करती है जो केन्द्रीय सरकार को 08.11.2015को प्राप्त हुआ था।

[सं. एल-40011 / 09 / 2015-आईआर(डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 12th November, 2015

S.O.2173.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D Reference No.23 of 2015) of the Central Government Industrial Tribunal-Cum-Labour Court, Kolkata now as shown in the Annexure in the Industrial Dispute between the

employers in relation to the management of the Welkin Telecom Infra Private Ltd and their workmen, which was received by the Central Government on 08/11/2015.

[No. L-40011/09/2015-IR(DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL AT KOLKATA**

Reference No. 23 of 2015

PARTIES : Employers in relation to the management of M/s. Welkin Telecom Infra Pvt. Ltd.

AND

Their workmen.

Present: JUSTICE DIPAK SAHA RAY, PRESIDING
OFFICER

Appearance: On behalf of the : Mr. Tirthankar Ghosh,
Management District Coordinator of
the Company.

On behalf of the : Mr. Partha Mukherjee,
Workmen Ld. Counsel

State: West Bengal Industry: Telecommunication.
Dated: 30th October, 2015.

A W A R D

By Order No.L-40011/09/2015-IR(DU) dated 05.05.2015 the Government of India, Ministry of Labour in exercise of its powers under Section 10(1)(d) and (2A) of the industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication:

“Whether the action of the management of M/s Welkin Telecom Infra Pvt. Ltd., contractor of M/s Indus Towers Limited is justified by terminating the service of Sri Ramkrishna Pal and is it legal and/or justified? If not, what relief the workmen are entitled to?”

2. When the case is taken up for hearing today, Ld. Counsel appearing for the workman and the authorized representative of the management submit that the matter has been settled amicably between the parties out of the Tribunal and they have filed a joint petition of compromise/settlement. They pray for an Award in terms of the said joint petition of compromise/settlement.

3. On careful consideration of the said joint petition of compromise/settlement it appears that the terms and conditions of the compromise/settlement are fair, reasonable and the same are made for the interest of the parties.

4. I accept the said joint petition of compromise/settlement and pass an Award in terms of the said joint petition of compromise/settlement which do form part of this Award as Annexure A.

Justice DIPAK SAHA RAY, Presiding Officer
Kolkata,
Dated: 30th October, 2015

ANNEXURE - A

Memorandum of Settlement

(U/s.2(P) read with section 18(3) of the Industrial Disputes Act, 1947)

Name of the parties: (1) M/s Welkin Telecom Infra Pvt. Ltd. 76/1, Golaghata Road, VIP Road, Kolkata- 700 048.
(2) Paschim Medinipur Zilla security & Allied Services Union, Mir Bazar Medinipur, Dist- Paschim Medinipur.

Representing the (1) Mr. K. K. Roy Head H.R & Company Administration.

Representing the (1) Sri Manoj Dhar General Secretary of the Union.

(2) Sri Ramkrishna Paul, the concerned workman.

Short Recital of the case:

Whereas the company under reference is engaged as contractor by M/s Indus Tower Ltd. for operation and maintenance of Mobile Towers owned by said Indus Tower Ltd; situated at Medinipur West District.

Whereas one contract labour Ramkrishna Paul was working under the contractor as named hereinabove and he was terminated from service w.e.f. 1st June, 2014 Sri Paul was working as Technician in the company.

Whereas being aggrieved over the termination of service the union under reference raised one Industrial Dispute which has been referred by Ministry of Labour, Govt. of India before the C.G.I.T. and the case has been registered bearing reference No. 23 of 2015.

Whereas during the pendency of Dispute before C.G.I.T. Kolkata negotiations were held on the issue pending before C.G.I.T. and after protected discussions it is agreed between the parties as under.

1. That the contractor company has agreed and accordingly the concerned workman has been reinstated in service without any back wages on and from 1.9.2015.
2. That in view of instant agreement the concerned workman and the union have no more dispute in the issue pending before the Hon'ble Tribunal.
3. That it has been agreed by and between the parties to file the instant memorandum of settlement before C.G.I.T. Kolkata with a prayer to pass necessary award in terms of this settlement with a view to drop the proceeding fully and finally since pending dispute does not exists further in terms of this settlement.

In witness hereof, the parties have signed this agreement on 15th September, 2015.

Sd. Illegible

Sd. MANOJ DHAR
Sd. RAMKRISHNA PAL

For and on behalf of

For and on behalf of Union as
named herein above

M/s. Welkin Telecom Infra
Pvt. Ltd.

WITNESSES:-

1. Sd. Tirthankar Ghosh.
2. Sd. Illegible.

ANNEXURE - A

Memorandum of Settlement

(U/s. 2(P) read with the section 18(3) of Industrial disputes Act, 1947)

Name of the parties : (1) M/s. Welkin Telecom Infra Pvt. Ltd. 76/1, Golaghata Road, VIP Road, Kolkata-700048.
 (2) Paschim Medinipur Zilla Security & Allied Services Union, Mir Bazar Mednipur, Distt.- Paschim Medinipur.

Representing the Company : (1) Mr. K. K. Roy Head H.R. & Administration.

Representing the Union : (1) Sri Manoj Dhar General Secretary of the Union.
 (2) Sri Ramkrishan Paul, the concerned workman.

Short Recital of the case :

Whereas the company under reference is engaged as contractor by M/s. Indus Tower Ltd. For operation and maintenance of Mobile Towers owned by said Indus Tower Ltd.; situated at Medinipur West District.

Whereas one contract labour Ramkrishan Paul was working under the contractor as named hereinabove and he was terminated from service w.e.f 1st June, 2014 Sri Paul was working as Technician in the company.

Whereas being aggrieved over the termination of service the union under reference raised one Industrial Dispute which has been referred by Ministry of Labour, Govt. of India before the C.G.I.T. and the case has been registered bearing reference No. 23 of 2015.

Whereas during pendency of Dispute before C.G.I.T. at Kolkata negotiations were held on the issue pending before C.G.I.T. and after protected discussions it is agreed between parties as under :

1. That the contractor company has agreed and accordingly the concerned workman has been reinstated in service without any backwages on and from 1.9.2015.
2. That in view of instant agreement the concerned workman and the union have no more dispute in the issue pending before this Hon'ble Tribunal.

3. That it has been agreed by and between the parties to fill the instant memorandum of settlement before C.G.I.T. Kolkata with a prayer to pass necessary award in terms of this settlement with a view to drop the proceeding fully and finally since pending dispute does not exist further in terms of this settlement.

In witness hereof, the parties have signed this agreement on 15th September, 2015.

Sd/-
 Illegible

Sd/-
 MANOJ DHAR
 Sd/-
 RAMKRISHNA PAL
 For and on behalf of
 Union as named hereinabove

WITNESSES :

1. Trithankar Ghosh
 District Co-ordinator.

15.9.2015

2. Sd/- (Illegible)

नई दिल्ली, 12 नवम्बर, 2015

का.आ.2174.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ईमानदार सुरक्षा सेवा के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय कोलकाता के पंचाट (संदर्भ सं. 73 of 2014) को प्रकाशित करती है जो केन्द्रीय सरकार को 08.11.2015 को प्राप्त हुआ था।

[सं. एल-13011/03/2014-आईआर(डीयू)
 पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 12th November, 2015

S.O. 2174.—in pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D Reference No.73 of 2014) of the Central Government Industrial Tribunal-Cum-Labour Court, Kolkata now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Upright Security Service and their workmen, which was received by the Central Government on 08/11/2015.

[No. L-13011/03/2014-IR(DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL
 TRIBUNAL AT KOLKATA

Reference No. 73 of 2014

Parties: Employers in relation to the management of
 M/s. Upright Security Service

AND

Their workmen

Present: JUSTICE DIPAK SAHA RAY,
 Presiding Officer

Appearance:

On behalf of the : None.

Management

On behalf of the : None

Workman

State: West Bengal.

Dated: 28th October, 2015

A W A R D

By Order No.L-13011/03/2014-IR(DU) dated 17.11.2014 the Government of India, Ministry of Labour in exercise of its powers under Section 10(1)(d) and (2A) of the industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication:

“Whether the action of the management of M/s. Zila Sainik Board & M/s. Upright Security Service, contractor of Zoological Survey of India in depriving the workmen the minimum wages fixed by the Central Govt. is legal and justified? If not, what relief the workmen are entitled to? Whether the action of management of Zoological Survey of India by terminating the contract of M/s. Zila Sainik Board resulting unemployment of contractual workmen is legal and/or justified? If not, what relief the workmen are entitled to?”

2. When the case is taken up for hearing today, none appears on behalf of any of the parties in spite of service

of notice. It appears from the record that the union at whose instance the present reference case has been initiated, never turned up before this Tribunal.

3. Considering the facts and circumstances it appears that the union is not interested to proceed with this case. So, no fruitful purpose will be served in keeping the matter pending.

4. In view of the above facts and circumstances, present reference is disposed of by passing a "No Dispute Award".

JUSTICE DIPAK SAHA RAY, Presiding Officer

Dated, Kolkata,

The 28th October, 2015.

नई दिल्ली, 12 नवम्बर, 2015

का.आ.2175.——औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार केन्द्रीय मृदा एवं जल संरक्षण अनुसंधान एवं प्रशिक्षण संस्थान अनुसंधान केन्द्र, देहरादून के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय.2 चंडीगढ़ के पंचाट (संदर्भ सं. 887/2005) को प्रकाशित करती है जो केन्द्रीय सरकार को 08.11.2015 को प्राप्त हुआ था।

[सं. एल—42011/82/99-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 12th November, 2015

S.O.2175.——in pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D No.887/2005) of the Central Government Industrial Tribunal-Cum-Labour Court, No.II, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Central Soil and Water Conservation Research and Training Institute Research Centre, Dehradun and their workmen, which was received by the Central Government on 08.11.2015.

[No.L-42011/82/99-IR(DU)]

P.K. VENUGOPAL, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

Present: Sri KEWAL KRISHAN, Presiding Officer

Case No. I.D. No. 887/2005

Registered on 12.9.2005

Workmen of Central Soil and Water Conservation, Research and Training Institute Research Centre, Sector 26, Madhya Marg,

Chandigarh working at its Research Farm, Mansa Devi, Distt. Panchkula through their Research Farm Worker Union, Mansa Devi, Distt. Panchkula. ...Petitioners

Versus

The Director, Central Soil and Water Conservation Research and Training Institute Research Centre, 218, Kolagarh Road Dehradun.

The Officer In charge Central Soil & Water Conservation Research & Training Institute, Research Centre, Sector 26, Madhya Marg, Chandigarh. ...Respondents

APPEARANCES :

For the workman Sh. Ashwani Bakshi Adv.
For the Management Sh. S.K. Gupta Adv.

AWARD

Passed on 14.10.2014

Central Government vide Notification No. L-42011/82/ 99/IR(DU) Dated 10.2.2000, by exercising its powers under Section 10 Sub-section (1) Clause (d) and Sub-section (2-A) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'Act') has referred the following Industrial dispute for adjudication to this Tribunal:-

"Whether the action of Officer In-charge Central Soil & Water Conservation Research & Training Institute, Research Centre, Chandigarh in denying the under mentioned three demands of Research Farm Workers Union, Mansa Devi is justified?

1. Conferment of permanent status upon 25 workers of Research Farm Mansa Devi who were granted temporary status by management vide letter dated February 1st 1995.
2. Grant of benefit of casual leaves, medical leave and minter/summer uniform to temporary status workers.
3. Grant of benefit of compensatory leaves to permanent/regular workers w.e.f. 1.1.91 onwards.

If not to what relief the workmen are entitled?"

In response to the notice, the workman filed statement of claim pleading that respondent management conferred 'temporary status' on 25 workmen in pursuance of the letter of Government of India dated 10.10.1993. That respondent management has not framed any rules regulating the condition of service of the workmen and the workmen who were granted 'temporary status' are entitled to be made 'permanent'.

The 25 workmen are also eligible for the benefit of casual leave, earned leave, national holidays etc. It is further alleged that all the workers at Mansa Devi are entitled to compensatory leave w.e.f. 1.1.1991.

Respondent management filed written reply pleading that workmen cannot claim status of permanent employee as a matter of right and the same is to be conferred as per the Rules and that too depending on the post, qualification eligibility etc. That the workmen are being given the benefits of earned leave, compensatory leave and national holidays and the letter dated 10.10.1993 is fully implemented.

Parties were given opportunities to lead evidence.

Sh. Munna Lal appeared in the witness box on behalf of workmen and filed his affidavit reiterating the assertion as made in the statement of claim.

On the other hand, the management has examined Sh. S.S. Chauhan who supported the case of the management in its affidavit.

I have heard Sh. Ashwani Bakshi, counsel for the workmen and Sh. S.K. Gupta, counsel for the management and also perused the written submissions submitted by the parties.

It was argued that the workmen were conferred 'temporary status' in view of letter dated 10.10.1993 of the Government of India but they were not made permanent and they are entitled for the same.

Para 4(iv) of the Scheme circulated by letter dated 10.10.1993 read as follow:-

"Such casual labourers who acquired temporary status will not, however, be brought on to the permanent status/establishment unless they are selected through regular selection process for group 'D' posts."

Thus the scheme itself clears that casual labourers who are given 'temporary status' can only be made permanent through the regular selection process and as such the employees cannot claim the status of 'permanance' simply because they were granted 'temporary status'. The Hon'ble Supreme Court in Secretary State of Karnataka Vs. Uma Devi reported in AIR 2006 S.C. has categorically held that employees who are not appointed by observing regular procedure and rules are not entitled to regularization of their services. In view of this pronouncement of Hon'ble Supreme Court as well the rules itself, the workmen cannot seek that they be made permanent and therefore they are not entitled to the relief of 'permanent status'.

So far as the other demands are concerned, there is nothing on the file that the workmen were denied the benefits of casual leave, earned leave, compensatory leave etc. and rather the management has specifically pleaded that the said benefits are being given to the workmen as per letter dated 10.10.1993. Thus the workmen are not entitled to any relief in the present reference.

In result, the reference the reference is answered against the workmen holding that they are not entitled to any relief.

KEWAL KRISHAN, Presiding Officer

नई दिल्ली, 12 नवम्बर, 2015

का.आ.2176.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारत संचार निगम लिमिटेड के प्रबंधतत्र के संबद्ध नियोजकों और उनके कर्मकार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, चंडीगढ़ के पंचाट (संदर्भ सं. 527/2005) को प्रकाशित करती है जो केन्द्रीय सरकार को 08.11.2015 को प्राप्त हुआ था।

[सं. एल-40012 / 85 / 2002-आईआर (डीयू)]

पी. कै. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 12th November, 2015

S.O.2176.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D No.527/2005) of the Central Government Industrial Tribunal-Cum-Labour Court, No. II, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Bharat Sanchar Nigam Limited and their workmen, which was received by the Central Government on 08.11.2015.

[No. L-40012/85/2002-IR(DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

Present: Sri KEWAL KRISHAN, Presiding Officer.

Case No. I.D. No. 527/2005

Registered on 22.8.2005

Smt. Santro Devi, H.No.706/11
Bapu Dham Colony, Sector 26,
Chandigarh.

...Petitioner

Versus

The Chief General Manager
Telecom, Punjab Circle, (BSNL),
Sector 34, Chandigarh.

The Principal General Manager,
Telecom, Telephone Deptt.,
Sector 18A, Chandigarh.Respondents

APPEARANCES :

For the workman Sh. R.K. Sharma, Adv.

For the Management Sh. Anish Babbar, Adv.

AWARD

Passed on 24.9.2014

Central Government vide Notification No. L-40012/85/2002- IR(DU)) Dated 13.9.2002, by exercising its powers under Section 10 Sub-section (1) Clause (d)

and Sub-section (2-A) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'Act') has referred the following Industrial dispute for adjudication to this Tribunal:-

"Whether the action of the management of Telecom in terminating the services of Smt. Santro Devi, Ex Part time frash is just and legal? If so, to what relief the workman is entitled?"

In response to the notice, the workman appeared and submitted statement of claim pleading that she was engaged as part time sweeper by the respondent management where she worked continuously from 28.7.1987 to 2.3.1999 for three hours daily. That she is entitled to regularization of services as per instructions of the department. Instead of doing the needful, her services were terminated on 2.3.1999 in violation of the provisions of the Act. That she is entitled to be reinstated with continuity of service along with back wages.

Respondent management filed written reply admitting that the workman worked with it from 17th July, 1987 to 28.2.1995. It is pleaded that the department imposed a partial ban on 30.3.1985 and complete ban on 22.6.1988 for appointment of casual labour and in view of the said ban, the workman was working on contract basis w.e.f. 1.3.1995. She was not engaged under the service rules. That application filed by her before the CAT was dismissed vide order dated 28.9.2000. It has also been pleaded that the management has not been maintaining any service record of contract labour or part time labour and the workman was engaged for doing the petty jobs on contract basis. She was not entitled to be considered for regularization of her services. The representation made by her was considered and rejected. That the claim be dismissed.

Parties were given opportunity to lead their evidence.

In support of its case, the workman appeared in the witness box and filed her affidavit reiterating the case as set out in the claim petition.

On the other hand, management examined Sh. Mohinder Pal who filed his affidavit reiterating the stand taken by the management in the written statement.

I have heard Sh. R.K. Sharma, counsel for the workman as well as Sh. Anish Babbar, counsel for the management and have also gone through the written arguments filed on behalf of the workman.

It was argued by the learned counsel for the workman that termination of services of other co-workers were set aside by the Court by passing an award and their services were regularized as per the policy framed by the department and as such the present workman is also entitled to regularization of services.

It may be added that workman filed OA No.968/CH/95 before the Hon'ble CAT seeking directions for regularization and grant of temporary status to her and the same was dismissed vide order dated 28.9.2000. She filed a representation before the competent authority for regularization of her services and

the same was also dismissed. It may also be added that the question whether the workman is entitled to regularization of services is not to be decided in the present reference wherein, the only controversy involved is whether the termination of the services of the workman is legal and valid; and therefore, cases of other co-workers even if is decided in their favour; have no bearing on the present case.

The workman has pleaded in para 1 of the statement of claim that she worked as a part time sweeper from 28.7.1987 to 2.3.1999 and this fact was admitted by the respondent management in the written statement. The management has further pleaded in para 2 of the written statement that she worked on contract basis but there is no cogent evidence on the file to prove that she ever worked on contract basis or through the contractor. In view of the admission of the respondent management, it is to be concluded that she was part time employee of the respondent management and worked as sweeper from 28.7.1987 to 2.3.1999 and was doing duty as sweeper for three hours daily.

It is not the case of the management that she was paid any retrenchment compensation at the time of termination of her services. The department imposed a ban vide order dated 22.6.1988 for engaging a labour directly or through contractor on daily or monthly wages and again vide order dated 12.2.1999 placed on the file, it was ordered that the Accounts Officer was not competent authority to make the payments to such workers. The workman worked from 28.7.1987 to 2.3.1999 continuously and her services were terminated in violation of Section 25F of the Act and no retrenchment compensation was paid to her. In view of the orders of the department vide which ban was imposed for engaging casual workers, the reinstatement of the workman cannot be ordered. However she is to be given compensation for terminating her services illegally.

No evidence has come on file to prove the salary of the workman. In the circumstances, some guess work is to be done for awarding compensation. Since she worked for a period of about 12 years and her services were only for three hours daily as sweeper and considering the totality of the circumstances, she is awarded Rs.75,000/- as compensation on account of termination of her services.

In result, it is held that termination of the services of the workman was not legal and the workman is entitled to compensation of Rs.75000/-. The management shall pay the awarded amount within three months of the publication of the award failing which she will be entitled to the interest at the rate of 6 per cent per annum on the awarded amount from the date of the award till realization. The reference is accordingly answered in favour of the workman. Let hard and soft copy of the award be sent to the Central Government for further necessary action.

KEWAL KRISHAN, Presiding Officer

नई दिल्ली, 12 नवम्बर, 2015

का.आ.2177.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार दूरसंचार विभाग, चंडीगढ़ के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण एवं श्रम न्यायालय—2, चंडीगढ़ के पंचाट (संदर्भ सं. 311/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 08.11.2015 को प्राप्त हुआ था।

[सं. एल—40012/180/2003-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 12th November, 2015

S.O. 2177.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D No. 311/2005) of the Central Government Industrial Tribunal-Cum-Labour Court, No.II, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Telecom Department, Chandigarh and their workmen, which was received by the Central Government on 08.11.2015.

[No. L-40012/180/2003-IR(DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH.

Present: Sri Kewal Krishan, Presiding Officer.

Case No. I.D. No.311/2005

Registered on 22.6.2004

Smt. Bimla Devi,
H.No.355, Khuda Lahore,
PO Mullanpur, UT Chandigarh

...Petitioner

Versus

The Principal General Manager,
Telecom, Telephone Deptt.,
Sector-18A, Chandigarh. ...Respondents

APPEARANCES

For the workman Sh. R.K. Sharma, Adv.

For the Management Sh. Anish Babbar, Adv.

AWARD

Passed on 24.9.2014

Central Government *vide* Notification No. L-40012/180/2003 IR (DU) Dated 25.5.2004, by exercising its powers under Section 10 Sub-section (1) Clause (d) and Sub-section (2-A) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'Act') has referred the following Industrial dispute for adjudication to this Tribunal:-

"Whether the action of the management of Telecom now known as BSNL in terminating the

services of Smt. Bimla Devi, Ex-Peon w.e.f. 28.2.99 without any notice and without complying with the provisions of the ID Act, 1947 is just and legal? If not to what relief the concerned workman is entitled to and from which date?"

In response to the notice, the workman submitted statement of claim pleading that she was engaged as Peon on 9.2.1998 through Contractor on daily wage basis by the management and she served till 28.2.1999. It is pleaded that she was a direct employee of the department as the department has overall control and supervision on her and the contract was just a camouflage. That her services were terminated without paying her retrenchment compensation and even the persons junior to her were retained in service. That she is also eligible for a temporary status of workman as per scheme known as Casual Labourers (Grant of Temporary Status and Regularization) Scheme, 1999. That she filed OA 672/CH/99 before the Central Administrative Tribunal who directed the department to consider her case vide order dated 18.10.2001. That she is entitled to be reinstated in service with continuity of service with back wages.

Respondent-management filed written reply controverting the averments and pleaded that the workman was never engaged by the management. That a contract agreement was entered into with the contractor for the supply of labour who used to send certain number of labourers to the department. It is also denied that the workman has completed 240 days of service continuously. Since the workman is not an employee of the department, she was not entitled to temporary status as per the scheme of the department. That she is not entitled to any relief.

Parties were given opportunity to lead their evidence.

In support of her case workman appeared in the witness box and filed her affidavit reiterating the case as set in the claim petition.

On the other hand respondent management as examined Sh. Jatinder Mahajan, who filed his affidavit reiterating the case of the management.

I have heard Sh. R.K. Sharma, counsel for the workman and Sh. Anish Babbar for the management and have perused the written arguments filed on behalf of workman.

A contention was raised that workman was actually an employee of the management and the contractor was introduced just to circumvent the provisions of law and in fact, the management has the control and supervision on the workman, and as such the workman is an employee of the management and her services have been terminated without payment of any retrenchment compensation and she is entitled to be reinstated in service with back wages.

The definite case of the respondent management is that it has given a contract to the contractor to supply labour and the workman was never engaged by it. The workman while appearing in the witness box has

admitted during cross-examination that she was paid wages by the contractor and she was not paid wages for the off days. She has further stated that the labour engaged through the contractor was disengaged when the contract was over. She has not produced any appointment letter issued by the management nor there is any other evidence on the file to suggest that she was actually working under the control and supervision of the management except her own statement. Since she was paid wages by the contractor and was not paid anything during the off days, it cannot be said that she was an employee of the management and in the circumstances, it cannot be said that contract given to the contractor for supply of labour was entered into just to circumvent the provisions of the Act and the workman is actually an employee of the management.

The workman and others filed OA No.672/CH/99 before the Central Administrative Tribunal, Chandigarh which was decided on 18.10.2001 and direction to was issued to consider the case of the applicants for the grant of temporary status. The department passed a detailed order holding that the applicants were not directly engaged or appointed by the department and actually they were the workers of the contractor vide order dated 17.12.2002

Thus the worker has already agitated the matter claiming herself to be an employee of the management and her claim was not found to be genuine as in the present case she has not proved to be the employee of the management.

The workman has failed to prove that she is an employee of the management and it cannot be said that her services were terminated by the respondent management and the workman is not entitled to any relief. The reference is accordingly answered against the workman. Let hard and soft copy of the award be sent to the Central Government for further necessary action.

KEWAL KRISHAN, Presiding Officer

नई दिल्ली, 12 नवम्बर, 2015

का.आ.2178.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारत संचार निगम लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, चंडीगढ़ के पंचाट (संदर्भ सं. 303/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 08.11.2015 को प्राप्त हुआ था।

[सं. एल—40012 / 146 / 2003-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 12th November, 2015

S.O.2178.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No. 303/2005) of the Central Government Industrial Tribunal-Cum-Labour Court, No.II, Chandigarh now as

shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Bharat Sanchar Nigam Limited and their workmen, which was received by the Central Government on 08.11.2015.

[No. L-40012/146/2003-IR (DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

Present: Sri KEWAL KRISHAN, Presiding Officer.

Case No. I.D. No.303/2005

Registered on 11.8.2005

Sh. Jarnail Singh,
H.No.1689, Sector 29B,
Chandigarh. ...Petitioner

Versus

The Principal General Manager,
Telecom (Bharat Sanchar
Nigam Limited), Sector 18A,
Chandigarh. ...Respondents

APPEARANCES :

For the workman : Sh. R.K. Sharma, Adv.

For the Management : Sh. Anish Babbar, Adv

AWARD

Passed on 24.9.2014

Central Government *vide* Notification No. L-40012/146/2003 IR (DU) Dated 19.4.2004, by exercising its powers under Section 10 Sub-section (1) Clause (d) and Sub-section (2-A) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'Act') has referred the following Industrial dispute for adjudication to this Tribunal:-

"Whether the action of the management of Telecom now known as BSNL in terminating the services of Sh. Jarnail Singh, Ex-Peon w.e.f. 28.2.99 is just and legal? If not, to what relief the concerned workman is entitled to and from which date?"

In response to the notice, the workman appeared and submitted statement of claim pleading that he was engaged as Peon on 1.1.1997 through the contractor on daily wage basis by the management. His services were illegally terminated on 28.2.1999. That the contractor was introduced only as a subterfuge to circumvent the provisions of law and otherwise, he was working under the supervision of the management. He was a direct employee of the management. That his services were terminated without paying him compensation and the persons junior to him were retained in service. He was also not given the temporary status of a casual labourer. That termination of his services is illegal.

Respondent management filed written reply controverting the averments and pleaded that a contract was given for the supply of labour and it was the contractor who used to send the labour and the workman is not a employee of the department. That he filed OA No.672/CH/99 before the Hon'ble CAT, Chandigarh which was decided on 18.10.2001 and the department was directed to consider his case for a temporary status of a casual labourer. That his claim was considered and he was not found to be an employee of the management. He also failed to prove his case before the Hon'ble High Court of Delhi in CWP No.4511 of 2001 and decided on 30.10.2001. Since he is not an employee of the respondent management, he is not entitled to claim any relief.

Parties were given opportunities to lead their evidence.

In support of his case, workman appeared in the witness box and filed his affidavit reiterating his case as set out in the claim petition.

On the other hand management has examined Sh. S.R. Kataria, who filed his affidavit reiterating the case of the respondent management.

I have heard Sh. R.K. Sharma, counsel for the workman and Sh. Anish Babbar, counsel for the management and have perused the written arguments filed on behalf of workman.

It was argued by the learned counsel that the workman was an employee of the respondent management and the contractor has been introduced just to avoid the provisions of the Act and since his services were terminated in violations of the Act, he is entitled to be reinstated in service.

I have considered the contention of the learned counsel.

It is the case of the workman himself that he was engaged through the contractor. He has stated during cross-examination that he was paid wages by the contractor and he was not paid wages for the off days. He has further stated that the labour engaged by the contractor was disengaged after the contract was over. Thus, he was paid by the contractor and was not paid anything for the off days and his services came to an end when the contract was over and in the circumstances, he cannot claim himself to be an employee of the respondent management. There is nothing on the file to suggest that he was appointed by complying with the rules and regulations of the department dealing with the appointment of workers and in the absence of this, it cannot be said that he was ever engaged by the department.

It may be added that he filed OA No.672/CH/99 which was decided on 18.10.2001 asking the department to consider his case for grant of temporary status. The department passed a detailed order dated 17.1.2002 holding that he was not engaged by the department and as such he is not entitled to any relief. The fact that he was

ever engaged by the department is also not proved on the file now also.

In the circumstances it cannot be said that he was entitled to any retrenchment compensation or the department was to comply with the other provisions of the Act as his services, if any, were not terminated by the respondent management. The reference is answered accordingly and it is held that workman is not entitled to any relief. Let hard and soft copy of the award be sent to the Central Government for further necessary action.

KEWAL KRISHAN, Presiding Officer

नई दिल्ली, 12 नवम्बर, 2015

का.आ.2179.—आौद्योगिक विवाद अधिनियम, 1947(1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार दूरसंचार विभाग, चंडीगढ़ के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट आौद्योगिक विवाद में केन्द्रीय सरकार आौद्योगिक अधिकरण एवं श्रम न्यायालय—2, चंडीगढ़ के पंचाट (संदर्भ सं. 304/2005) को प्रकाशित करता है, जो केन्द्रीय सरकार को 08.11.2015 को प्राप्त हुआ था।

[सं. एल-40012/178/2003-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 12th November, 2015

S.O.2179.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No. 304/2005) of the Central Government Industrial Tribunal-Cum-Labour Court, No.II, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Telecom Department, Chandigarh and their workmen, which was received by the Central Government on 08.11.2015.

[No. L-40012/178/2003-IR(DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH.

Present: SRI KEWAL KRISHAN, Presiding Officer

Case No. I.D. No.304/2005

Registered on 11.8.2005

Smt. Anju Bala,
H.No.1133-B,
Sector 41-B, AG Colony,
Chandigarh.

...Petitioner

Versus

The Principal General Manager,
Telecom, Telephone Deptt.,
Sector 18A, Chandigarh.

...Respondents

APPEARANCES :

For the workman : Sh. R.K. Sharma, Adv.
 For the Management : Sh. Anish Babbar, Adv.

AWARD**Passed on 24.9.2014**

Central Government *vide* Notification No. L-40012/178/2003 IR (DU) Dated 25.5.2004, by exercising its powers under Section 10 Sub-section (1) Clause (d) and Sub-section (2-A) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'Act') has referred the following Industrial dispute for adjudication to this Tribunal:-

"Whether the action of the management of Telecom now known as BSNL in terminating the services of Smt. Anju Bala, Ex-Typist w.e.f. 28.2.99 without any notice and without complying with the provisions of the ID Act, 1947 is just and legal? If not to what relief the concerned workman is entitled to and from which date?"

In response to the notice, the workman appeared and submitted statement of claim pleading that she was engaged as Typist on 1.5.1997 through the contractor on daily wage basis by the management. Her services were illegally terminated on 28.2.1999. That the contractor was introduced only as a subterfuge to circumvent the provisions of law and otherwise, she was working under the supervision of the management. She was a direct employee of the management. That her services were terminated without paying her compensation and the persons junior to her were retained in service. She was also not given the temporary status of a casual labourer. That termination of her services is illegal.

Respondent management filed written reply controverting the averments and pleaded that a contract was given for the supply of labour and it was the contractor who used to send the labour and the workman is not a employee of the department. That she filed OA No.672/CH/99 before the Hon'ble CAT, Chandigarh which was decided on 18.10.2001 and the department was to consider her case for a temporary status of a casual labourer. That her claim was considered and she was not found to be an employee of the management. She also failed to prove her case before the Hon'ble High Court of Delhi in CWP No.4511 of 2001 and decided on 30.10.2001. Since she is not an employee of the respondent management, she is not entitled to claim any relief.

Parties were given opportunities to lead their evidence.

In support of her case, workman appeared in the witness box and filed her affidavit reiterating her case as set out in the claim petition.

On the other hand management has examined Sh. Jitender Mahajan, who filed his affidavit reiterating the case of the respondent management.

I have heard Sh. R.K. Sharma, counsel for the workman and Sh. Anish Babbar, counsel for the management and have perused the written arguments filed on behalf of workman.

It was argued by the learned counsel that the workman was an employee of the respondent management and the contractor has been introduced just to avoid the provisions of the Act and since her services were terminated in violations of the Act, she is not entitled to be reinstated in service.

I have considered the contention of the learned counsel.

It is the case of the workman herself that she was engaged through the contractor. She has stated during cross-examination that she was paid wages by the contractor and she was not paid wages for the off days. She has further stated that the labour engaged by the contractor was disengaged after the contract was over. Thus she was paid by the contractor and was not paid anything for the off days and her services came to an end when the contract was over and in the circumstances, she cannot claim herself to be an employee of the respondent management. There is nothing on the file to suggest that she was appointed by complying with the rules and regulations of the department dealing with the appointment of workers and in the absence of this, it cannot be said that she was ever engaged by the department.

It may be added that she filed OA No.672/CH/99 which was decided on 18.10.2001 asking the department to consider her case for grant of temporary status. The department passed a detailed order dated 17.1.2002 holding that she was not engaged by the department and as such she is not entitled to any relief. The fact that she was ever engaged by the department is also not proved on the file now also. In the circumstances it cannot be said that she was entitled to any retrenchment compensation or the department was to comply with the other provisions of the Act as her services, if any, were not terminated by the respondent management. In the circumstances, the reference is answered accordingly and it is held that workman is not entitled to any relief. Let hard and soft copy of the award be sent to the Central Government for further necessary action.

KEWAL KRISHAN, Presiding Officer

नई दिल्ली, 12 नवम्बर, 2015

का.आ.2180.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारत संचार निगम लिमिटेड, फरीदाबाद के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, चंडीगढ़ के पंचाट (संदर्भ सं. 323/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 08.11.2015 को प्राप्त हुआ था।

[सं. एल-40011 / 60 / 2013-आईआर (डीयू)]
 पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 12th November, 2015

S.O.2180.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D No. 323/2013) of the Central Government Industrial Tribunal-Cum-Labour Court, No. II, Chandigarh now as shown in the Annexure in the Industrial Dispute between

the employers in relation to the management of the Bharat Sanchar Nigam Limited, Faridabad and their workmen, which was received by the Central Government on 08.11.2015.

[No. L-40011/60/2013-IR(DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II,
CHANDIGARH**

Present: Sri KEWAL KRISHAN, Presiding Officer

Case No. I.D. No.323/2013

Registered on 18.2.2014

Sh. Amar Singh,
S/o Sh. Bhule Ram,
Ex-Guard, C/o Sh. Hoob Lal Yadav,
Gen. Secretary,
Mercantile Employees Association,
530, Near Prem Public School,
Faridabad - 121007.Petitioner

Versus

The General Manager,
BSNL, Telephone Exchange,
Sector 15A, Faridabad.Respondent

APPEARANCES :

For the Workman : Ex parte.
For the Management : Sh. Anish Babbar Adv.

AWARD

Passed on 28-10-2014

Central Government vide Notification No. L-40011/ 60/2013 IR (DU) Dated 5.2.2014, by exercising its powers under Section 10 Sub-section (1) Clause (d) and Sub-section (2-A) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'Act') has referred the following Industrial Dispute for adjudication to this Tribunal:-

"Whether the action of the management of Bharat Sanchar Nigam Ltd. (BSNL) Faridabad, Haryana in terminating the services of Sh. Amar Singh S/o Sh. Bhule Ram Ex-Guard w.e.f. 1.9.2002 is legal and justified? To what relief the workman is entitled to and what date?"

Notice was given to the workman who did not appear and was proceeded against ex parte vide order dated 28.5.2014.

Since the workman was proceeded against ex parte, no statement of claim has been filed.

Since statement of claim has not been filed by the workman and therefore the reference is answered as 'no claim' reference and the workman is not entitled to any relief.

KEWAL KRISHAN, Presiding Officer

नई दिल्ली, 12 नवम्बर, 2015

का.आ.2181.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारत संचार निगम लिमिटेड, फरीदाबाद के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, चंडीगढ़ के पंचाट (संदर्भ सं. 324/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 08.11.2015 को प्राप्त हुआ था।

[सं. एल-40011/62/2013-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 12th November, 2015

S.O.2181.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D No. 324/2013) of the Central Government Industrial Tribunal-Cum-Labour Court, No. II, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Bharat Sanchar Nigam Limited, Faridabad and their workmen, which was received by the Central Government on 08.11.2015.

[No. L-40011/62/2013-IR(DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II,
CHANDIGARH**

Present: Sri KEWAL KRISHAN, Presiding Officer

Case No. I.D. No. 324/2013

Registered on 18.2.2014

Sh. Yad Ram, S/o Sh. Layak Ram,
Ex-Guard, C/o Sh. Hoob Lal Yadav,
Gen. Secretary,
Mercantile Employees Association,
530, Near Prem Public School,
Faridabad - 121007.Petitioner

Versus

The General Manager,
BSNL, Telephone Exchange,
Sector 15A, Faridabad.Respondent

APPEARANCES

For the Workman : Ex parte.
For the Management : Sh. Anish Babbar Adv.

AWARD

Passed on 28.10.14

Central Government vide Notification No. L-40011/62/2013 IR (DU) Dated 5.2.2014, by exercising its powers under Section 10 Sub-section (1) Clause (d)

and Sub-section (2-A) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'Act') has referred the following Industrial dispute for adjudication to this Tribunal:-

"Whether the action of the management of Bharat Sanchar Nigam Ltd. (BSNL) Faridabad Haryana in terminating the services of Sh. Yad Ram S/o Sh. Layak Ram Ex-Guard w.e.f. 61.9.2009 is legal and justified? To what relief the workman is entitled to and what date?"

Notice was given to the workman who did not appear and was proceeded against ex parte vide order dated 28.5.2014.

Since the workman was proceeded against ex parte, no statement of claim has been filed.

Since statement of claim has not been filed by the workman and therefore the reference is answered as 'no claim' reference and the workman is not entitled to any relief.

KEWAL KRISHAN, Presiding Officer

नई दिल्ली, 12 नवम्बर, 2015

का.आ.2182.—ओद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारत संचार निगम लिमिटेड, फरीदाबाद के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकार के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण एवं श्रम न्यायालय-2, चंडीगढ़ के पंचाट (संदर्भ सं. 325/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 08.11.2015 को प्राप्त हुआ था।

[सं. एल-40011/68/2013—आईआर (डीयू)]
पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 12th November, 2015

S.O.2182.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No. 325/2013) of the Central Government Industrial Tribunal-Cum-Labour Court, No. II, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Bharat Sanchar Nigam Limited, Faridabad and their workmen, which was received by the Central Government on 08.11.2015.

[No. L-40011/68/2013-IR(DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH.

Present: Sri KEWAL KRISHAN, Presiding Officer

Case No. I.D. No. 325/2013

Registered on 18.2.2014

Sh. Ishwar Singh, S/o Sh. Kanhaiya Lal,
Ex-Peon, C/o Sh. Hoob Lal Yadav,
Gen. Secretary,
Mercantile Employees Association,
530, Near Prem Public School,
Faridabad - 121007.Petitioner

Versus

The General Manager,
BSNL, Telephone Exchange,
Sector 15A, Faridabad. Respondent

APPEARANCES :

For the Workman : Ex parte.

For the Management : Sh. Anish Babbar Adv.

AWARD

Passed on 28.10.2014

Central Government vide Notification No. L-40011/68/2013 IR (DU) Dated 5.2.2014, by exercising its powers under Section 10 Sub-section (1) Clause (d) and Sub-section (2-A) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'Act') has referred the following Industrial dispute for adjudication to this Tribunal:-

"Whether the action of the management of Bharat Sanchar Nigam Ltd. (BSNL) Faridabad Haryana in terminating the services of Sh. Ishwar Singh, S/o Sh. Kanhaiya Lal, Ex-Peon, w.e.f. 9.6.2012 is legal and justified? To what relief the workman is entitled to and what date?"

Notice was given to the workman who did not appear and was proceeded against ex parte vide order dated 28.5.2014.

Since the workman was proceeded against ex parte, no statement of claim has been filed.

Since statement of claim has not been filed by the workman and therefore the reference is answered as no claim reference and the workman is not entitled to any relief.

KEWAL KRISHAN, Presiding Officer

नई दिल्ली, 12 नवम्बर, 2015

का.आ.2183.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारत संचार निगम लिमिटेड, फरीदाबाद के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण एवं श्रम न्यायालय-2, चंडीगढ़ के पंचाट (संदर्भ सं. 326/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 08.11.2015 को प्राप्त हुआ था।

[सं. एल-40011/67/2013—आईआर (डीयू)]
पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 12th November, 2015

S.O.2183.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No. 326/2013) of the Central Government Industrial Tribunal-Cum-Labour Court, No. II, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Bharat Sanchar Nigam Limited, Faridabad and their workmen, which was received by the Central Government on 08.11.2015.

[No. L-40011/67/2013-IR(DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH.

Present: Sri KEWAL KRISHAN, Presiding Officer

Case No. I.D. No. 326/2013

Registered on 18.2.2014

Sh. Shiv Kumar, S/o Sh. Amilala,
Ex-Peon, C/o Sh. Hoob Lal Yadav,
Gen. Secretary, Mercantile Employees Association,
530, Near Prem Public School,
Faridabad - 121007. ... Petitioner

Versus

The General Manager,
IBSNL, Telephone Exchange,
Sector 15A, Faridabad. ... Respondent

APPEARANCES :

For the Workman : Ex parte.
For the Management : Sh. Anish Babbar Adv.

AWARD

Passed on 28.10.2014

Central Government vide Notification No. L-40011/67/2013 IR(DU)) Dated 5.2.2014, by exercising its powers under Section 10 Sub Section (1) Clause (d) and Sub Section (2-A) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'Act') has referred the following Industrial dispute for adjudication to this Tribunal:-

"Whether the action of the management of Bharat Sanchar Nigam Ltd (BSNL) Faridabad Haryana in terminating the services of Sh. Rampal S/o Sh. Ratan Singh Ex-Lineman w.e.f. 9.6.2012 is legal and justified? To what relief the workman is entitled to and what date?"

Notice was given to the workman who did not appear and was proceeded against ex parte vide order dated 28.5.2014.

Since the workman was proceeded against ex parte, no statement of claim has been filed.

Since statement of claim has not been filed by the workman and therefore the reference is answered as 'no claim' reference and the workman is not entitled to any relief.

KEWAL KRISHAN, Presiding Officer

नई दिल्ली, 12 नवम्बर, 2015

का.आ.2184.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारत संचार निगम लिमिटेड, फरीदाबाद के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, चंडीगढ़ के पंचाट (संदर्भ सं. 329/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 08.11.2015 को प्राप्त हुआ था।

[सं. एल-40011/61/2013-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेर्स्क अधिकारी

New Delhi, the 12th November, 2015

S.O.2184.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No. 329/2013) of the Central Government Industrial Tribunal-Cum-Labour Court, No. II, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Bharat Sanchar Nigam Limited, Faridabad and their workmen, which was received by the Central Government on 08.11.2015.

[No. L-40011/61/2013-IR(DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH.

Present: Sri KEWAL KRISHAN, Presiding Officer.

Case No. I.D. No. 329/2013

Registered on 18.2.2014

Sh. Hans Raj, S/o Sh Hari Ram Chandila,
Ex-Guard, C/o Sh. Hoob Lal Yadav,
Gen. Secretary,
Mercantile Employees Association,
530, Near Prem Public School,
Faridabad - 121007. ... Petitioner

Versus

The General manager,
IBSNL, Telephone Exchange,
Sector 15A, Faridabad. ... Respondent

APPEARANCES :

For the workman : Ex parte.
 For the Management : Sh. Anish Babbar Adv.

AWARD

Passed on 28.10.2014

Central Government vide Notification No. L-40011/61/2013 IR (DU) Dated 5.2.2014, by exercising its powers under Section 10 Sub-section (1) Clause (d) and Sub-section (2-A) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'Act') has referred the following Industrial dispute for adjudication to this Tribunal:-

"Whether the action of the management of Bharat Sanchar Nigam Ltd. (BSNL) Faridabad Haryana in terminating the services of Sh. Hans Raj S/o Sh. Hari Ram Chandila, Ex-Guard w.e.f. 1.9.2012 is legal and justified? To what relief the workman is entitled to and what date?"

Notice was given to the workman who did not appear and was proceeded against ex parte vide order dated 28.5.2014.

Since the workman was proceeded against ex parte, no statement of claim has been filed.

Since statement of claim has not been filed by the workman and therefore the reference is answered as 'no claim' reference and the workman is not entitled to any relief.

KEWAL KRISHAN, Presiding Officer

नई दिल्ली, 12 नवम्बर, 2015

का.आ.2185.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारत संचार निगम लिमिटेड, फरीदाबाद के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, चंडीगढ़ के पंचाट (संदर्भ सं. 327/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 08.11.2015 को प्राप्त हुआ था।

[सं. एल-40011/63/2013—आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 12th November, 2015

S.O.2185.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No. 327/2013) of the Central Government Industrial Tribunal-Cum-Labour Court, No. II, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Bharat Sanchar Nigam Limited, Faridabad and their workmen, which was received by the Central Government on 08.11.2015.

[No.L-40011/63/2013-IR(DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II,
CHANDIGARH.**

Present: Sri KEWAL KRISHAN, Presiding Officer

Case No. I.D. No. 327/2013

Registered on 18.2.2014

Sh. Sant Ram, S/o Sh. Kalua,
 Ex-Guard, C/o Sh. Hoob Lal Yadav,
 Gen. Secretary,
 Mercantile Employees Association, ...Petitioner

Versus

The General Manager,
 BSNL, Telephone Exchange,
 Sector 15A, Faridabad. ... Respondent

APPEARANCES :

For the Workman Ex parte.

For the Management Sh. Anish Babbar Adv.

AWARD

Passed on 28.10.2014

Central Government vide Notification No. L-40011/63/2013 (IR(DU)) Dated 5.2.2014, by exercising its powers under Section 10 Sub-section (1) Clause (d) and Sub-section (2-A) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'Act') has referred the following Industrial dispute for adjudication to this Tribunal:-

"Whether the action of the management of Bharat Sanchar Nigam Ltd (BSNL) Faridabad Haryana in terminating the services of Sh. Sant Ram S/o Sh. Kalua Ex-Guard w.e.f. 1.9.2009 is legal and justified? To what relief the workman is entitled to and what date?"

Notice was given to the workman who did not appear and was proceeded against ex parte vide order dated 28.5.2014.

Since the workman was proceeded against ex parte, no statement of claim has been filed.

Since statement of claim has not been filed by the workman and therefore the reference is answered as no claim reference and the workman is not entitled to any relief.

KEWAL KRISHAN, Presiding Officer

नई दिल्ली, 12 नवम्बर, 2015

का.आ.2186.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारत संचार निगम लिमिटेड, फरीदाबाद के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट

औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, चंडीगढ़ के पंचाट (संदर्भ सं. 330/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 08.11.2015 को प्राप्त हुआ था।

[सं. एल-40011/53/2013-आईआर (डीयू)]
पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 12th November, 2015

S.O.2186.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D No. 330/2013) of the Central Government Industrial Tribunal-Cum-Labour Court, No. II, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Bharat Sanchar Nigam Limited, Faridabad and their workmen, which was received by the Central Government on 08.11.2015.

[No. L-40011/53/2013-IR(DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH.

Present: Sri KEWAL KRISHAN, Presiding Officer.

Case No. I.D. No. 330/2013

Registered on 18.2.2014

Sh. Shiv Kumar, S/o Sh. Amilala,
Ex-Peon, C/o Sh. Hoob Lal Yadav,
Gen. Secretary, Mercantile Employees Association,
530, Near Prem Public School,
Faridabad - 121007. ... Petitioner

Versus

The General manager,
BSNL, Telephone Exchange,
Sector 15A, Faridabad. ... Respondent

APPEARANCES

For the workman : Ex parte.
For the Management : Sh. Anish Babbar Adv.

AWARD

Passed on 28.10.2014

Central Government vide Notification No. L-40011/53/2013 (IR(DU)) Dated 5.2.2014, by exercising its powers under Section 10 Sub Section (1) Clause (d) and Sub Section (2-A) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'Act') has referred the following Industrial dispute for adjudication to this Tribunal:-

"Whether the action of the management of Bharat Sanchar Nigam Ltd (BSNL) Faridabad Haryana in terminating the services of Sh. Shiv Kumar S/o Sh. Amilala Ex-Peon w.e.f. 6.4.2012 is legal and justified? To what relief the workman is entitled to and what date?"

Notice was given to the workman who did not appear and was proceeded against ex parte vide order dated 28.5.2014.

Since the workman was proceeded against ex parte, no statement of claim has been filed.

Since statement of claim has not been filed by the workman and therefore the reference is answered as 'no claim' reference and the workman is not entitled to any relief.

KEWAL KRISHAN, Presiding Officer

नई दिल्ली, 12 नवम्बर, 2015

का.आ.2187.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारत संचार निगम लिमिटेड, के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, चंडीगढ़ के पंचाट (संदर्भ सं. 1017/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 08.11.2015 को प्राप्त हुआ था।

[सं. एल-40012/232/2003-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 12th November, 2015

S.O.2187.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D No. 1017/2005) of the Central Government Industrial Tribunal-Cum-Labour Court, No.II, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Bharat Sanchar Nigam Limited, and their workmen, which was received by the Central Government on 08.11.2015.

[No. L-40012/232/2003-IR(DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

Present: Sri KEWAL KRISHAN, Presiding Officer.

Case No. I.D. No.1017/2005

Registered on 17.9.2005

Sh. Gopal Singh,
C/o S/o Sh. D.R. Sharma/
M.M. Vats, 1646 Sector 7C,
Chandigarh. ...Petitioner

Versus

1. The Divisional Engineer,
Telecom Project, BSNL Kataula Road,
Near Radha Swamy Satsangh Bhawan,
Mandi.

2. The Chairman and
Managing Director,
BSNL, Sanchar Bhawan,
New Delhi. ...Respondents

APPEARANCES

For the workman : Sh. Kailash Sharma Adv.
For the Management : Sh. Sanjiv Sharma Adv.

AWARD

Passed on 19.9.2014

Central Government vide Notification No. L-40012/232/2003 IR (DU) Dated 21.6.2004, by exercising its powers under Section 10 sub-section (1) Clause (d) and sub-section (2-A) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'Act') has referred the following Industrial dispute for adjudication to this Tribunal:-

"Whether the action of the management of Divisional Engineer, Telecom Project, Mandi in terminating the services of Sh. Gopal Singh, Ex-Driver w.e.f. 20.8.2003 even non-complying with the provisions of the ID Act, 1947 is just and legal? If not, so what relief the workman is entitled to?"

In response to the notice, the workman appeared and filed statement of claim pleading that he joined with the respondent as Driver on casual basis on 24th July, 2002 and he worked there till 20.8.2003 when his services were terminated orally. He has challenged the termination on the ground that he was not charge-sheeted and no opportunity of personal hearing was given. That his services were terminated in violation of the rules of the Industrial Disputes Act. That Sh. Kishori Lal and Raj Kumar were appointed as fresh Labourers in his place showing that work was available with the management and he was not asked to join the duty. Thus the termination is illegal.

Respondent management filed reply pleading that the workman was engaged as and when required on daily wage basis and he did not complete 240 days of service. Since he was appointed on daily wage basis, there was no requirement to comply with the provisions of the Act.

Parties were given opportunity to lead their evidence.

In support of its case the workman appeared in the witness box and filed his affidavit reiterating the case set out in the claim petition.

On the other hand the management has examined Sh. R.K. Kalia who filed his affidavit reiterating the stand as taken by the management in the written statement. He has also placed on record vouchers Exhibit A1. He has also placed on record ACC-7 Form Exhibit R2 and copy of the Logbook Exhibit R3.

I have heard Sh. Kailash Sharma, counsel for the workman and Sh. Sanjiv Sharma, counsel for the management.

It was argued by the learned counsel for the workman that as per statement of the management witness and as per Logbook Exhibit R3, the workman worked for 221 days which did not include the Sundays and Gazetted holidays and as such it can be safely said that workman continuously worked for more than 240 days, and the termination of his services without payment of retrenchment compensation are illegal and the workman be paid compensation.

I have considered the contention of the learned counsel.

The workman has stated during cross-examination that he was not given any appointment letter and no termination order terminating his services was given to him. Being so, it cannot be said that he was appointed on regular basis. It is the definite case of the management that the workman was engaged as and when required and he worked intermittently. The photocopy of the logbook Exhibit R3 on which the learned counsel for the workman also rely, show that workman did not work continuously from 24.7.2002 to 20.8.2003. A perusal of the logbook shows that he did not work from 11.8.2000 to 22.8.2000, 7.9.2002 to 8.9.2002 and 29.9.2002 to 4.10.2002. Again there was a break in the service from 15.10.2002 to 18.10.2002 and again from 1.11.2002 to 11.11.2002; and from 12.12.2002 to 3.1.2003. Similarly, there are also other days when he did not work for the department.

Thus the logbook clinches the issue showing that he was engaged as and when required and similarly the vouchers placed on the file which are Exhibit R2 shows that he was paid for the actual days he worked. These documents clearly prove the case of the respondent management that workman did not work continuously for the department and he did not complete continuous service for one year to attract the provisions of Section 25F of the Act. Since he was employed on need basis, he cannot claim the benefit of the other provisions of the Act.

In result, it can be safely held that the action of the management in terminating the service of the workman is just and legal and he is not entitled to any relief. The reference is accordingly answered against the workman. Let hard and soft copy of the award be sent to the Central Government for further necessary action.

KEWAL KRISHAN, Presiding Officer
नई दिल्ली, 13 नवम्बर, 2015

का.आ.2188—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार टेलीग्राफ, दूरसंचार विभाग, भीलवाड़ा के प्रबंधतत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जयपुर के पचाट (संदर्भ सं. 06/91) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10.11.2015 को प्राप्त हुआ था।

[सं. एल-40012/88/90-आईआर (डीयू)]
पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 13th November, 2015

S.O. 2188.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D No. 06/91) of the Industrial Tribunal, now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Telegraph, Telecom Department, Bhilwara and their workman, which was received by the Central Government on 10.11.2015.

[No. L-40012/88/90-IR(DU)]

P. K. VENUGOPAL, Desk Officer

अनुबंध

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर

केस नं. सी.आई.टी. 06/1991

रेफरेंस: भारत सरकार, श्रम मंत्रालय, नई दिल्ली का आदेश
क्रमांक: एल—40012/88/90-I.R.(D.U.) नई दिल्ली,
दिनांक 24.01.1991

चतरनाथ पुत्र श्री रुगानाथ,
निवासी सोनेरा मानपुरा,
जिला—भीलवाडा (राजस्थान)

—प्रार्थी

बनाम

सब डिविजनल ऑफिसर
टेलीग्राफ्स भीलवाडा
(टेलीकॉम डिपार्टमेंट) भीलवाडा
(राजस्थान)

—अप्रार्थी

उपस्थित :

पीटासीन अधिकारी: श्री केदार लाल गुप्ता,
आर.एच.जे.एस.

प्रार्थी की ओर से :

श्री कान सिंह,

अप्रार्थी की ओर से :

श्री ब्रह्मानन्द सांदू

दिनांक : 21.8.2015

अधिनिर्णय

1. भारत सरकार के श्रम मंत्रालय की आज्ञा क्रमांक एल—40012/88/90-I.R.(D.U.) नई दिल्ली, से निम्न अनुसूची का विवाद अधिनिर्णय हेतु इस अधिकरण को दिनांक 28.01.1991 को इस आशय का प्राप्त हुआ है कि—Whether the action of the management of Telecom Deptt. in terminating the services of shri Chatra Nath, S/o Shri Ruga Nath, Labourer w.e.f. 01.08.1983 is justified? If not, what relief is the workman concerned entitled to?

2. प्रकरण दर्ज किया गया और प्रार्थी श्रमिक चतरनाथ की ओर से दिनांक 06.04.1991 को रेटेमेंट ऑफ व्हेल इस आशय का प्रस्तुत किया कि अप्रार्थी नियोक्ता द्वारा उसकी सर्व प्रथम दिनांक 01.04.1982 को नियुक्ति प्रदान की, तब से लगातार दिनांक 01.08.1983 तक वह अप्रार्थी नियोजक के

यहां कार्यरत रहा है, और उसे दिनांक 01.08.1983 के बाद से ही नियोजक ने सेवा से बिना कोई कारण बताए मनमाने तरीके से सेवाएं समाप्त की गई। इस तरह से उसने दिनांक 01.04.1982 से 01.08.1983 तक अप्रार्थी नियोजक के अधीनस्थ निरन्तर नियोजित रहकर ड्यूटी दी। अतः उसे औद्योगिक विवाद अधिनियम, 1947 की धारा 25(b) का संरक्षण प्राप्त है, और उसके द्वारा निवेदन करने के बावजूद भी सेवा समाप्ति का अप्रार्थी ने कोई कारण नहीं बताया, और उसे सेवा समाप्ति की न तो कोई सूचना दी, और न ही एक माह का अग्रिम वेतन दिया। इस तरह से अप्रार्थी नियोजक ने औद्योगिक विवाद अधिनियम, 1947 की धारा 25(f) की पालना किए बिना उसकी सेवाएं समाप्त की हैं, और प्रार्थी से कनिष्ठ श्रमिकों को नियोजन प्रदान किया है, जो अधिनियम की धारा 25(g) का उल्लंघन है, और प्रार्थी की सेवा समाप्ति के बाद दूसरे व्यक्तियों को भी नियोजन में रखा है। प्रार्थी को पुनः नियोजन की कोई सूचना नहीं दी। इस तरह से अधिनियम की धारा 25(h) का अप्रार्थी ने उल्लंघन किया है, और अन्त में प्रार्थना की है कि अप्रार्थी नियोजक द्वारा प्रार्थी के सेवा पृथक्करण आदेश को विद्याविरुद्ध व अनुचित घोषित किया जाकर उसे पद की निरन्तरता बनाते हुए समस्त वेतन व अन्य पारिणामिक लाभ दिलाए जावें।

3. अप्रार्थी नियोजक द्वारा स्टेटमेंट ऑफ व्हेल का दिनांक 14.06.1991 को जवाब प्रस्तुत कर कर्थन किया है कि प्रार्थी को अप्रैल, 1982 से कार्य पर रखा, और उसने जून, 1982 तक अप्रार्थी के यहां 76 दिन तक कार्य किया, और वह जुलाई व अगस्त, 1982 तक कार्य पर नहीं आया। सितम्बर, 1982 में कार्य पर आया, उस वक्त विभाग में विशेष कार्य चल रहे थे, इस कारण उसे विशेष कार्य पर रखा, और उसने 40 दिन कार्य किया, लेकिन नवम्बर, 1982 में अनुपस्थित हो गया, और दिसम्बर, 1982 में फिर काम पर लौटा, और मई, 1983 में 146 दिन कार्य किया, फिर जून, 1983 में अनुपस्थित हो गया, और जुलाई, 1983 में कार्य पर लौटा, और केवल मात्र 24 दिन कार्य किया। उसके बाद बिना कोई सूचना दिए अनुपस्थित रह गया। इस तरह से श्रमिक का यह कर्थन कि उसने दिनांक 01.04.1982 से 01.08.1983 तक लगातार अप्रार्थी नियोजक के यहां कार्य किया, गलत और निराधार है। विभाग में चूंकि विशेष कार्य चल रहे थे, इसलिए श्रमिक को आकर्षिक मजदूरी के लिए रखा गया था, लेकिन श्रमिक अपनी मर्जी से कार्य छोड़कर गया। नियोजक ने लिखित में श्रमिक को सेवा समाप्ति का कोई आदेश नहीं दिया। श्रमिक जब भी कार्य करने के लिए लौटा, उसे विभाग द्वारा कार्य पर विशेष कार्य चलने के कारण रखा गया। अगर विभाग द्वारा श्रमिक को निकाला गया होता तो उसे एक—दो माह के उपरान्त भी वापस कार्य पर नहीं रखा जाता। इस तरह से श्रमिक ने लगातार नियोजक के यहां कार्य नहीं किया। इस कारण अधिनियम की धारा 25 (b) के प्रावधान लागू नहीं होते हैं। अतः नियोजक द्वारा प्रार्थी की सेवाएं समाप्त किए जाने का प्रश्न ही नहीं है, और ऐसी स्थिति में अधिनियम की धारा 25 (f) के प्रावधान भी लागू नहीं होते हैं। प्रार्थी को आकर्षिक श्रमिक के रूप में नियोजन में रखा। उस वक्त विशेष कार्य चल रहे थे, और वह स्वयं कार्य पीछे से छोड़कर चला आया है, और साथ ही यह भी निवेदन किया है कि प्रार्थी ने जुलाई, 1983 के सात साल बाद दिनांक 06.08.1990 को एक पत्र लिखा, वह सात साल तक क्या करता रहा। अतः यह नहीं कहा जा सकता कि वह बेरोजगार रहा है, और अन्त में स्टेटमेंट ऑफ व्हेल खारिज करने की प्रार्थना की है।

4. स्टेटमेंट ऑफ क्लैम के समर्थन में प्रार्थी ने स्वयं की मौखिक साक्ष्य लिपिबद्ध करवाई है तथा प्रलेखीय साक्ष्य में प्रदर्श डब्ल्यू-1 लगायत प्रदर्श डब्ल्यू-4 दस्तावेजात प्रदर्शित करवाए। अप्रार्थी नियोजक की ओर से मौखिक साक्ष्य में डी. ड. 1 संजीव त्यागी की मौखिक साक्ष्य लिपिबद्ध करवाई है।

5. उभय पक्षकारान की बहस सुनकर इस अधिकरण द्वारा दिनांक 29.05.1993 को अधिनिर्णय पारित किया, जिससे व्यक्तित होकर अप्रार्थी नियोजक द्वारा एस. बी. सिविल रिट पिटिशन नम्बर 2653/1991 माननीय राजस्थान उच्च न्यायालय के यहां प्रस्तुत की, जिसको माननीय राजस्थान उच्च न्यायालय द्वारा दिनांक 09.07.2013 के आदेश द्वारा निस्तारित करते हुए इस अधिकरण द्वारा पारित अधिनिर्णय दिनांक 29.05.1993 को निरस्त कर मामला इस अधिकरण को इस निर्देश के साथ प्रतिप्रेषित किया है कि उक्त निर्णय में अधिनियम के प्रावधानों को बताएनुसार पुनः पक्षकारों को सुनकर अधिनिर्णय पारित करें।

6. श्रमिक के विद्वान प्रतिनिधि का तर्क है कि अधिनियम की धारा 25 (b) के प्रावधानों के अनुसार श्रमिक द्वारा उसकी छंटनी से ठीक पूर्व एक कलेण्डर वर्ष में 240 दिन से अधिक कार्य किया है। इस संबंध में अप्रार्थी नियोजक द्वारा श्रमिक को प्रमाण पत्र प्रदर्श डब्ल्यू-1 जारी किया, जिसके अनुसार श्रमिक ने सितम्बर, 1982 से जुलाई, 1983 तक अप्रार्थी नियोजक के यहां 210 दिन वास्तविक कार्य दिवसों में कार्य किया, और इन दिनों में अगर रविवारीय अवकाश व अन्य राजपत्रित अवकाशों को जोड़ा जावे तो वे 260 दिन होते हैं। इस तरह से श्रमिक द्वारा उसकी सेवा समाप्ति से ठीक एक वर्ष पूर्व 240 दिन से अधिक कार्य किया है, जिसके संबंध में अप्रार्थी नियोजक द्वारा उसे न तो एक माह का नोटिस दिया और न ही इस नोटिस के बदले एक माह का वेतन दिया है, और उसकी सेवा समाप्ति से पूर्व उसको आरोप पत्र भी नहीं दिया है। अतः अप्रार्थी नियोजक द्वारा अधिनियम की धारा 25 (f) का उल्लंघन किया है। अतः उसके सेवा समाप्ति के आदेश को अवैद्य घोषित कर उसे पुनः सेवा में नियोजित मानकर अन्य पारिणामिक लाभ दिलाए जाने की प्रार्थना की है। जबकि अप्रार्थी नियोजक के विद्वान प्रतिनिधि का तर्क है कि श्रमिक ने एक कलेण्डर वर्ष में लगातार 240 दिन या इससे अधिक दिवस कार्य नहीं किया है। उसके द्वारा जुलाई, अगस्त, नवम्बर, 1982 व जून, 1983 में कार्य नहीं किया है। नियोजक द्वारा श्रमिक की सेवाएं समाप्त नहीं की गई हैं, बल्कि वह स्वयं कार्य छोड़कर गया है। जब-जब भी श्रमिक उनके यहां कार्य करने आया, तब उसे कार्य पर रखा गया। इस तरह से श्रमिक ने 01 अप्रैल, 1983 से ठीक एक वर्ष पूर्व लगातार 240 दिन कार्य नहीं किया है, वह स्वयं कार्य छोड़कर गया है। नियोजक ने अधिनियम की धारा 25 (f) के प्रावधानों का उल्लंघन नहीं किया है। अतः स्टेटमेंट ऑफ क्लैम खारिज करने की प्रार्थना की है।

7. स्टेटेंट ऑफ क्लैम के समर्थन में श्रमिक चतरनाथ का कथन है कि अप्रार्थी नियोजक के यहां वह दिनांक 01.04.1982 से 14/-रुपये दैनिक मजदूरी पर रहा है, और उसने 01.04.1982 से लगातार अपनी सेवाएं दी, और दिनांक 01.08.1983 से मौखिक आदेश से सेवा से हटा दिया गया। इस तरह से दिनांक 01.04.1982 से 31.07.1983 तक निरन्तर अप्रार्थी नियोजक के यहां कार्य किया है। इस हेतु उसे अप्रार्थी नियोजक ने दिनांक 23.02.1990 को प्रमाण पत्र प्रदर्श

डब्ल्यू-1 दिया है, उसे बिना कोई सूचना दिए 01 अगस्त, 1983 को कार्य से हटा दिया तथा जून, 1982 में कार्य बन्द रखा, और उसे पूरे माह बिठाए रखा, जुलाई, अगस्त, 1982 में उसका स्वास्थ्य खराब रहा। इस अवधि में विभाग में उपस्थिति नहीं दी। नवम्बर, 1982 में विभाग में मस्ट्रोल नहीं होने से कार्य बन्द रहा, लेकिन वह उपस्थिति रहा, और उसकी उपस्थिति नहीं ली। इसी तरह से जून, 1983 में विभाग ने कार्य बन्द रखा, मस्ट्रोल नहीं होने के कारण उसकी हाजिरी नहीं ली। जिरह में साक्षी का कथन है कि उसने 04/1982 से 07/1982 तक लगातार कार्य किया है, और इस सुझाव को गलत बताया है कि 07/1982 और 08/1982 में कार्य नहीं किया हो तथा वह एक महीने बीमार होने के कारण कार्य पर नहीं गया, और इस सुझाव को गलत बताया है कि 12/1982 से 05/1983 तक ही काम पर गया हो। इस तरह से श्रमिक चतरनाथ ने अप्रार्थी नियोजक के यहां दिनांक 01.04.1982 से 31.07.1983 तक कार्य करना कहा है। प्रतिरक्षा में संजय त्यागी का कथन है कि श्रमिक द्वारा मस्ट्रोल के तहत आक्रिमिक मजदूर के तहत दिनांक 01.04.1982 से जून, 1982 तक 76 दिन कार्य किया। उसके बाद वह स्वयं कार्य पर नहीं आया। इसके बाद वह जुलाई, अगस्त, 1982 में कार्य पर नहीं आया। माह सितम्बर, 1982 में विभाग में विशेष कार्य चल रहे थे, तब श्रमिक लौटा और उसे कार्य पर रखा, और उसने 40 दिन कार्य किया, फिर नहीं आया। दिसम्बर, 1982 में पुनः काम पर लौटा, और उसने मई, 1983 तक मस्ट्रोल पर आक्रिमिक कार्य किया, लेकिन जून, 1983 में अनुपस्थित रहा। जुलाई, 1983 में पुनः काम पर लौटा, और 01.08.1983 के बाद वह स्वयं काम छोड़कर चला गया, फिर वापस नहीं लौटा। इस तरह से श्रमिक ने दिनांक 01.04.1982 से 01.08.1983 तक लगातार 240 दिन या इससे अधिक दिवस कार्य नहीं किया है। जिरह में प्रदर्श डब्ल्यू-1 दिनांक 13.02.1990 को अपने हस्ताक्षरों से जारी करना स्वीकार किया है, जिस पर ए से बी स्वयं के हस्ताक्षर बतलाए हैं।

8. श्रमिक ने अपने स्टेटमेंट ऑफ क्लैम और साक्ष्य में यह कथन किया है कि उसे दिनांक 01.08.1983 से नियोजक द्वारा कार्य पर नहीं रखा, उसकी सेवाएं अवैद्य रूप से समाप्त की। इस संबंध में अगर हम अधिनियम की धारा 25 (b) के प्रावधानों को देखें तो इससे यह स्पष्ट होता है कि श्रमिक की सेवा समाप्ति से पूर्व श्रमिक ने एक कलेण्डर वर्ष में 240 दिन वास्तविक रूप से कार्य किया हो। वर्तमान मामले में श्रमिक का यह कहना है कि उसकी सेवाएं दिनांक 01.08.1983 से समाप्त हुई। अतः ऐसी स्थिति में जुलाई, 1983 से अगस्त, 1982 तक के मध्य श्रमिक द्वारा कार्य किए गए दिवसों की गणना की जावेगी। अप्रार्थी नियोजक के सहायक मण्डल अधिकारी द्वारा श्रमिक को दिनांक 13.02.1990 को प्रमाण पत्र जारी किया है, जिसके अनुसार श्रमिक ने नियोजक के यहां सितम्बर, 1982 में 21 दिन, अक्टूबर, 1982 में 19 दिन, दिसम्बर, 1982 में 23 दिन, जनवरी, 1983 में 27 दिन, फरवरी, 1983 में 24 दिन, मार्च, 1983 में 24 दिन, अप्रैल, 1983 में 21 दिन, मई, 1983 में 27 दिन, जुलाई, 1983 में 24 दिन इस तरह से कुल 210 वास्तविक कार्य दिवस ही कार्य किया है। इसके अवलोकन से यह प्रकट होता है कि श्रमिक ने अगस्त, नवम्बर, 1982 व जून, 1983 में कार्य नहीं किया है। श्रमिक का यह कथन है कि वह एक माह बीमार रहा, इस कारण काम पर नहीं गया, लेकिन श्रमिक द्वारा इस अवधि के संबंध में अपनी बीमारी का नियोजक के समक्ष या इस अधिकरण के समक्ष कोई प्रमाण पत्र प्रस्तुत नहीं किया है। इससे एक बात

तो यह स्पष्ट है कि श्रमिक स्वयं अगस्त, 1982, नवम्बर, 1982 व जून, 1983 में कार्य पर नहीं आया है, और जब—जब भी वह नियोजक के यहां कार्य पर गया, तब नियोजक ने उसको काम पर रखा। अप्रार्थी की ओर से प्रस्तुत हुए साक्षी संजय त्यारी का यह कथन है कि श्रमिक स्वयं 01.08.1983 से कार्य पर नहीं आया, और वह जुलाई, 1983 से स्वयं अपनी इच्छा से कार्य छोड़कर चला गया। इस कारण उसे नोटिस या छंटनी मुआवजा या किसी प्रकार की क्षतिपूर्ति देने का प्रश्न ही उत्पन्न नहीं होता है। इससे यही लगता है कि श्रमिक स्वयं नियोजक के यहां से कार्य छोड़कर गया है, और जब—जब भी वह नियोजक के यहां कार्य करने के लिए आया, तब उसे कार्य पर रखा गया तथा श्रमिक को नियोक्ता द्वारा सेवा से नहीं हटाया गया, बल्कि वह स्वयं कार्य छोड़कर गया। इसके अतिरिक्त श्रमिक ने यह मामला करीब सात वर्ष से अधिक समय बाद उठाया है। वास्तव में ही श्रमिक नियोजक के यहां काम करने का इच्छुक होता तो वह नियोजक के यहां काम करने के लिए जाता या नियोजक के यहां स्वयं को काम पर रखने हेतु कोई अभ्यावेदन प्रस्तुत करता या शीघ्र ही अपना मामला उठाता। ये सब तथ्य यह दर्शित करते हैं कि श्रमिक स्वयं नियोजक के यहां कार्य पर नहीं गया, और वह कार्य करने का इच्छुक नहीं था।

9. श्रमिक के विद्वान प्रतिनिधि का तर्क है कि अगस्त, 82 से जुलाई, 1983 की अवधि में श्रमिक ने प्रमाण पत्र प्रदर्श डबल्यू-1 के अनुसार 210 वास्तविक दिन कार्य किया है, और इस अवधि में अगर रविवार व अन्य अवकाशों के दिनों को गिना जावे तो वे 240 दिन से अधिक होते हैं। इस संबंध में उनकी ओर से प्रस्तुत किए गए न्यायिक दृष्टांत AIR 1984 Supreme Court 500 Gammon India Limited Vs. Nitanjan Dass के मामले में माननीय उच्चतम न्यायालय ने यह निर्धारित किया है कि किसी श्रमिक की सेवाएं कार्य नहीं होने के कारण समाप्त की जाती है तो वह छंटनी की श्रेणी में आता है, और अगर अधिनियम की धारा 25 (f) की पालना नहीं की जाती है तो ऐसी सेवा समाप्ति अवैद्य है, जिससे मैं पूर्णतया सहमत हूँ।

10. FJR (67) 1985 Supreme Court 379 H.D. Singh Vs. Reserve Bank of India & Others के मामले में माननीय उच्चतम न्यायालय ने यह निर्धारित किया है कि जहां श्रमिक का नाम नियोक्ता द्वारा रजिस्टर से हटाना उसे सेवा से मुक्त करना है, और जहां साक्ष्य से यह साबित होता है कि श्रमिक द्वारा एक कैलेण्डर वर्ष में 240 दिन से अधिक कार्य किया है तो वह अधिनियम की धारा 25 (f) का लाभ प्राप्त करने का अधिकारी है।

11. FJR (67) 1985 Supreme Court 189 Workmen Of American Express International Banking Corporation Vs American Express International Banking Corporation के मामले में माननीय उच्चतम न्यायालय ने यह निर्धारित किया है कि श्रमिक को सेवा समाप्ति से पिछले एक वर्ष में वास्तविक रूप से नियोक्ता के यहां 240 दिन कार्य करना चाहिए। वास्तविक रूप से नियोक्ता के यहां 240 दिन कार्य किया है, इसका आशय यह है कि उन दिनों के लिए नियोक्ता द्वारा संविदा की शर्तों के अनुसार मजदूरी का भुगतान किया हो। अर्थात रविवार या अन्य राजकीय अवकाश के दिन, जिनके संबंध में मजदूरी का भुगतान किया है, वे भी इसमें सम्मिलित होंगे। ऐसा ही सिद्धान्त माननीय राजस्थान उच्च न्यायालय ने RLR 1989 (2) 692 Chaggan Lal Vs.

Panchayat Samiti & anr., RLR 1999 (1) 793 Dhyan Singh Vs. University of Raj., RLW 2006 (1) 287 Ram Kishan Gurjar Vs. State of Rajasthan, RLR 1995 (1) 704 Chief Engineer, Irrigation Vs. Kamlesh & ors के मामलों में प्रतिपादित किया है।

12. उक्त न्यायिक दृष्टांतों के अवलोकन से यह स्पष्ट है कि श्रमिक की सेवा मुक्ति से पूर्व एक वर्ष में उसके द्वारा 240 दिन की अवधि में वास्तविक रूप से नियोजक के अधीन काम किया जाना आवश्यक है, जिसमें रविवार या अन्य राजकीय अवकाशों के दिन जिनके लिए मजदूरी का भुगतान किया गया है, सम्मिलित हैं। वर्तमान मामले में श्रमिक के कथन के अनुसार नियोजक द्वारा उसकी 01.08.1998 को सेवाएं समाप्त की गई। अतः इससे ठीक 12 माह पूर्व अर्थात अगस्त, 1982 से जुलाई, 1983 की अवधि में श्रमिक द्वारा दस्तावेज प्रदर्श 1 के अनुसार 210 दिन ही कार्य किया है, जिसमें अगस्त, 1982, नवम्बर, 1982 एवं जून, 1983 में कार्य नहीं किया। अतः ऐसा नहीं लगता कि श्रमिक ने दिनांक 01.08.1983 से पूर्व 240 दिन या उससे अधिक दिन कार्य किया हो व 240 दिन का नियोक्ता द्वारा श्रमिक को मजदूरी का भुगतान किया गया हो।

13. श्रमिक के विद्वान प्रतिनिधि का तर्क है कि उससे कनिष्ठ श्रमिकों को नियोजक द्वारा रखा जाकर श्रमिक के वरिष्ठ होते हुए उसकी छटनी की गई। अतः नियोजक ने अधिनियम की धारा 25 (g) के प्रावधानों का उल्लंघन किया है। इस संबंध में उनकी ओर से प्रस्तुत किए गए न्यायिक दृष्टांत 1991 (1) आर. एल. आर. पेज 577 जनरल मैनेजर नॉर्थ रेलवे न्यू दिल्ली बनाम जज सेन्ट्रल इण्डस्ट्रीयल कॉर्ट के मामले में माननीय राजस्थान उच्च न्यायालय ने यह निर्धारित किया है कि अधिनियम की धारा 25 (g) के प्रावधान आज्ञापक नहीं होकर निर्देशात्मक हैं। अगर श्रमिक द्वारा यह साबित कर दिया जाता है कि उससे कनिष्ठ श्रमिकों को रखा जाकर वरिष्ठ की छटनी बिना किसी कारण बताए की गई है तो ऐसी छटनी अवैद्य है, जिससे मैं पूर्णतया सहमत हूँ। वर्तमान मामले में जैसा कि विवेचन किया गया है कि श्रमिक बीच-बीच में स्वयं काम पर नहीं आया, और उसके काम पर नहीं आने के कारण ही नियोजक ने उसे काम पर नहीं रखा। इसके अतिरिक्त श्रमिक ने दिनांक 01.08.1983 के करीब सात साल बाद यह विवाद उठाया है, उससे यह स्पष्ट है कि वह स्वयं काम पर नहीं आया, और उसकी काम पर जाने की इच्छा भी नहीं थी। अतः ऐसी स्थिति में श्रमिक जब स्वतः काम पर नहीं आया तो उससे कनिष्ठ नियोजक के यहां स्वतः ही काम पर जाने के कारण नियोजित रहे। अतः मेरे विनम्र मत में श्रमिक का यह मामला न तो छटनी का है, और न ही उसके वरिष्ठ होने के कारण उसकी अवैद्य रूप से सेवाएं समाप्ति का है।

14. अप्रार्थी नियोजक के विद्वान प्रतिनिधि का तर्क है कि श्रमिक स्वयं काम पर नहीं आया और उसने यह मामला करीब सात वर्ष बाद उठाया है, और उस देरी का कोई न्यायोचित स्पष्टीकरण प्रस्तुत नहीं किया है। इस संबंध में उनकी ओर से प्रस्तुत किए गए न्यायिक दृष्टांत एस.वी. सिविल रिट पिटिशन नम्बर 5853 / 1996 निर्णय दिनांक 12.03.2010 राजस्थान स्टेट वेयरहाउसिंग कॉर्पोरेशन बनाम इण्डस्ट्रीयल न्यायाधिकरण व अन्य के मामले में माननीय राजस्थान उच्च न्यायालय ने यह निर्धारित किया है कि लम्बे समय के बाद अगर विवाद खत्म हो गया है। किसी ने उसको जीवित नहीं रखा है, तब श्रमिक किसी भी तरह की सहायता

प्राप्त करने का अधिकारी नहीं है, लेकिन अगर विवाद जीवित है, और लम्बे समय बाद उठाने का न्यायोचित स्पष्टीकरण प्रस्तुत किया है तो देरी के कारण ही उसे निरस्त नहीं किया जा सकता। वर्तमान मामले में जैसा कि विवेचन किया गया है कि श्रमिक दिनांक 01.08.1983 से पूर्व भी अगस्त, 1982, नवम्बर, 1982 एवं जून, 1983 में नियोजक के यहां काम पर नहीं आया है, और उसके द्वारा दिनांक 01.08.1983 के करीब सात वर्ष से भी अधिक समय बाद यह मामला उठाया है, और इस देरी का कोई न्यायोचित स्पष्टीकरण प्रस्तुत नहीं किया है, और इससे यहीं लगता है कि श्रमिक का मामला वास्तव में जीवित ही नहीं रहा है, और वह नियोक्ता के यहां काम करने का इच्छुक नहीं था, स्वयं काम छोड़कर गया। अतः ऐसी स्थिति में मेरे विनम्र मत में श्रमिक का मामला छटनी की श्रेणी में नहीं आता है। उक्त विवेचन के आधार पर अधिनियम की धारा 25 (f) या 25 (g) का उल्लंघन हुआ हो, ऐसा प्रतीत

नहीं होता है। अतः उक्त विवेचन से यह स्पष्ट हुआ है कि वास्तव में नियोजक नहीं की, बल्कि वह स्वयं काम पर नहीं आया, और श्रमिक किसी भी तरह की सहायता राशि प्राप्त करने का अधिकारी नहीं है। उपरोक्त विवेचन के फलस्वरूप प्रकरण में निम्न अधिनिर्णय पारित किया जाता है :—

अधिनिर्णय

15. श्रमिक चतरनाथ पुत्र श्री रुगानाथ, निवासी सोनेरा मानपुरा, जिला—भीलवाडा (राजस्थान) की ओर से प्रस्तुत स्टेटमेंट ऑफ क्लैम अस्वीकार किया जाकर खारिज किया जाता है। अप्रार्थी नियोजक द्वारा प्रार्थी चतरनाथ को दिनांक 01.08.1983 से सेवा मुक्त किया जाना ही साबित नहीं है। अतः श्रमिक किसी तरह की राहत पाने का अधिकारी नहीं है।

केदार लाल गुप्ता, न्यायाधीश